

111TH CONGRESS  
1ST SESSION

# H. R. 500

To establish a collaborative program to protect the Great Lakes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

Mr. EHLERS (for himself, Mr. DINGELL, Mr. KIRK, Ms. SLAUGHTER, Mr. LEVIN, Mr. KILDEE, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. McCOTTER, Mr. PETERS, Mr. HOEKSTRA, Mr. UPTON, Mr. KUCINICH, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. BALDWIN, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. SENSENBRENNER, Mr. HIGGINS, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, Science and Technology, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a collaborative program to protect the Great Lakes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Great Lakes Collaboration Implementation Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—INVASIVE SPECIES PREVENTION

Subtitle A—National Aquatic Invasive Species

CHAPTER 1—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES  
INTO WATERS OF THE UNITED STATES BY VESSELS

- Sec. 101. Prevention of introduction of aquatic Invasive Species into waters of the United States by vessels.
- Sec. 102. Armed Services whole vessel management program.

CHAPTER 2—PREVENTION OF THE INTRODUCTION OF AQUATIC INVASIVE  
SPECIES BY OTHER PATHWAYS

- Sec. 106. Priority pathway management program.
- Sec. 107. Screening process for planned importations of live aquatic organisms.

CHAPTER 3—EARLY DETECTION; RAPID RESPONSE; CONTROL AND  
OUTREACH

- Sec. 111. Early detection.
- Sec. 112. Rapid response.
- Sec. 113. Environmental soundness.
- Sec. 114. Information, education, and outreach.

CHAPTER 4—COORDINATION

- Sec. 116. Program coordination.
- Sec. 117. International coordination.

CHAPTER 5—AUTHORIZATION OF APPROPRIATIONS

- Sec. 121. Authorization of appropriations.

CHAPTER 6—CONFORMING AMENDMENTS

- Sec. 126. Conforming amendments.

Subtitle B—Aquatic Invasive Species Research

- Sec. 141. Findings.
- Sec. 142. Definitions.
- Sec. 143. Coordination and implementation.
- Sec. 144. Ecological and pathway research.
- Sec. 145. Analysis.
- Sec. 146. Dissemination.
- Sec. 147. Technology development, demonstration, and verification.
- Sec. 148. Research to support the setting and implementation of ship pathway standards.
- Sec. 149. Research in systematics and taxonomy.

Sec. 150. State programs.

Subtitle C—Invasive Species Council

- Sec. 161. Short title.
- Sec. 162. Statement of policy regarding Federal duties.
- Sec. 163. National Invasive Species Council.
- Sec. 164. Duties.
- Sec. 165. National Invasive Species Management Plan.
- Sec. 166. Invasive Species Advisory Committee.
- Sec. 167. Budget crosscut.
- Sec. 168. Definitions.
- Sec. 169. Existing Executive Order.
- Sec. 170. Authorization of appropriations.

TITLE II—COASTAL HEALTH

- Sec. 201. Technical assistance.
- Sec. 202. Sewer overflow control grants.
- Sec. 203. Water pollution control revolving loan funds.
- Sec. 204. Allotment of funds.
- Sec. 205. Authorization of appropriations.

TITLE III—AREAS OF CONCERN

Sec. 301. Great Lakes.

TITLE IV—CLEAN WATER AUTHORITY

- Sec. 401. Definition of waters of the United States.
- Sec. 402. Conforming amendments.

TITLE V—TOXIC SUBSTANCES

Sec. 501. Mercury reduction grants.

TITLE VI—INDICATORS AND INFORMATION

Subtitle A—Research Program

- Sec. 601. Research reauthorizations.
- Sec. 602. Great Lakes Environmental Research Laboratory.
- Sec. 603. Great Lakes Science Center.
- Sec. 604. Center for sponsored coastal ocean research.

Subtitle B—Ocean and Coastal Observation System

- Sec. 611. Definitions.
- Sec. 612. Integrated ocean and coastal observing system.
- Sec. 613. Research, development, and education.
- Sec. 614. Interagency financing.
- Sec. 615. Application with Outer Continental Shelf Lands Act.
- Sec. 616. Authorization of appropriations.
- Sec. 617. Reporting requirement.

Subtitle C—Great Lakes Water Quality Indicators and Monitoring

Sec. 621. Great Lakes water quality indicators and monitoring.

## TITLE VII—SUSTAINABLE DEVELOPMENT

Sec. 701. Waterfront restoration and remediation projects.

Sec. 702. Authority of Secretary to restore and remediate waterfront and related areas.

Sec. 703. Authorization of appropriations.

## TITLE VIII—COORDINATION AND OVERSIGHT

Sec. 801. Definitions.

Sec. 802. Great Lakes Interagency Task Force.

Sec. 803. Executive Committee.

Sec. 804. Great Lakes Regional Collaboration.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Great Lakes, with about 20 percent of  
4 the Earth's fresh surface water, is a treasure of  
5 global significance, supporting drinking water for  
6 millions of people, providing for commerce, and pro-  
7 viding recreation for people from across the Nation  
8 and around the world;

9 (2) renewed efforts and investments are critical  
10 to aid in fulfilling the goals and objectives of the  
11 Great Lakes Water Quality Agreement between the  
12 United States and Canada;

13 (3) in a report issued in December 2005, a  
14 group of leading scientists from top institutions in  
15 the Great Lakes area found that—

16 (A) the Great Lakes are on the brink of an  
17 ecological catastrophe;

18 (B) the primary stressors straining the  
19 health of the Great Lakes are—

- 1 (i) toxic chemicals;
- 2 (ii) the overloading of human waste
- 3 and urban and agricultural runoff;
- 4 (iii) physical changes to the shorelines
- 5 and wetlands;
- 6 (iv) invasive plant and animal species;
- 7 (v) changes in water patterns; and
- 8 (vi) overfishing;

9 (C) the deterioration of the Great Lakes

10 ecosystem is accelerating dramatically; and

11 (D) if the pattern of deterioration is not

12 reversed immediately, the damage could be ir-

13 reparable;

14 (4) as a result of the stressors described in

15 paragraph (3)(B)—

16 (A) more than 1,800 beaches were closed

17 in 2003;

18 (B) Lake Erie has developed a 6,300

19 square mile dead zone that forms every sum-

20 mer;

21 (C) the zebra mussel, an aquatic invasive

22 species, causes \$500,000,000 per year in eco-

23 nomic and environmental damage in the Great

24 Lakes;

1 (D) there is no appreciable natural repro-  
2 duction of lake trout in the lower 4 Great  
3 Lakes; and

4 (E) wildlife habitats have been destroyed,  
5 which has diminished fishing, hunting, and  
6 other outdoor recreation opportunities in the  
7 Great Lakes;

8 (5) because of the patchwork approach to fixing  
9 the problems facing the Great Lakes, the problems  
10 have not only persisted in, but have also gotten  
11 worse in some areas of, the Great Lakes;

12 (6) rather than dealing with 1 problem or loca-  
13 tion of the Great Lakes at a time, a comprehensive  
14 restoration of the system is needed to prevent the  
15 Great Lakes from collapsing;

16 (7) in December 2004, work began on the  
17 Great Lakes Regional Collaboration, a unique part-  
18 nership that was—

19 (A) formed for the purpose of developing a  
20 strategic action plan for Great Lakes restora-  
21 tion; and

22 (B) composed of—

23 (i) key members from the Federal  
24 Government, State and local governments,  
25 and Indian tribes; and

1 (ii) other stakeholders;

2 (8) over 1,500 people throughout the Great  
3 Lakes region participated in this collaborative proc-  
4 ess, with participants working on 1 or more of the  
5 8 strategy teams that focused on different issues af-  
6 fecting the Great Lakes basin;

7 (9) the recommendations of the Great Lakes  
8 Regional Collaboration, which were released on De-  
9 cember 12, 2005, identify actions to address the  
10 issues affecting the Great Lakes basin on the Fed-  
11 eral, State, local, and tribal level; and

12 (10) comprehensive restoration must be adapt-  
13 ive, and ongoing efforts are needed continually to  
14 implement the recommendations of the Great Lakes  
15 Regional Collaboration relating to buffers, river res-  
16 toration, wetlands, emerging toxic pollutants, and  
17 other issues affecting the Great Lakes basin.

18 **SEC. 3. DEFINITIONS.**

19 Section 1003 of the Nonindigenous Aquatic Nuisance  
20 Prevention and Control Act of 1990 (16 U.S.C. 4702) is  
21 amended to read as follows:

22 **“SEC. 1003. DEFINITIONS.**

23 “In this Act:

1           “(1) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Environ-  
3           mental Protection Agency.

4           “(2) AQUATIC ECOSYSTEM.—The term ‘aquatic  
5           ecosystem’ means a freshwater, marine, or estuarine  
6           environment (including inland waters and wetlands),  
7           located wholly in the United States.

8           “(3) AQUATIC ORGANISM.—

9                   “(A) IN GENERAL.—The term ‘aquatic or-  
10                  ganism’ means a living animal, plant, fungus,  
11                  or microorganism inhabiting or reproducing in  
12                  an aquatic ecosystem.

13                   “(B) INCLUSIONS.—The term ‘aquatic or-  
14                  ganism’ includes—

15                           “(i) seeds;

16                           “(ii) eggs;

17                           “(iii) spores; and

18                           “(iv) any other viable biological mate-  
19                          rial.

20           “(4) ASSISTANT SECRETARY.—The term ‘As-  
21           sistant Secretary’ means the Assistant Secretary of  
22           the Army for Civil Works.

23           “(5) BALLAST WATER.—The term ‘ballast  
24           water’ means any water (with its suspended matter)  
25           used to maintain the trim and stability of a vessel.

1           “(6) BEST PERFORMING TREATMENT TECH-  
2           NOLOGY.—The term ‘best performing treatment  
3           technology’ means the ballast water treatment tech-  
4           nology that is, as determined by the Secretary—

5                   “(A) the most biologically effective;

6                   “(B) the most environmentally sound; and

7                   “(C) suitable, available, and economically  
8           practicable.

9           “(7) COASTAL VOYAGE.—The term ‘coastal voy-  
10          age’ means a voyage conducted entirely within the  
11          exclusive economic zone.

12          “(8) DIRECTOR.—The term ‘Director’ means  
13          the Director of the United States Fish and Wildlife  
14          Service.

15          “(9) ENVIRONMENTALLY SOUND.—The term  
16          ‘environmentally sound’, refers to an activity that  
17          prevents or reduces introductions, or controls infes-  
18          tations, of aquatic invasive species in a manner that  
19          minimizes adverse effects on—

20                   “(A) the structure and function of an eco-  
21                  system; and

22                   “(B) nontarget organisms and ecosystems.

23          “(10) EXCLUSIVE ECONOMIC ZONE.—The term  
24          ‘exclusive economic zone’ means the area comprised  
25          of—

1           “(A) the Exclusive Economic Zone of the  
2           United States established by Proclamation  
3           Number 5030, dated March 10, 1983; and

4           “(B) the equivalent zones of Canada and  
5           Mexico.

6           “(11) EXISTING VESSEL.—The term ‘existing  
7           vessel’ means any vessel that enters service on or be-  
8           fore December 31, 2011.

9           “(12) GREAT LAKES.—The term ‘Great Lakes’  
10          means—

11           “(A) Lake Erie;

12           “(B) Lake Huron (including Lake Saint  
13          Clair);

14           “(C) Lake Michigan;

15           “(D) Lake Ontario;

16           “(E) Lake Superior;

17           “(F) the connecting channels of those  
18          Lakes, including—

19           “(i) the Saint Mary’s River;

20           “(ii) the Saint Clair River;

21           “(iii) the Detroit River;

22           “(iv) the Niagara River; and

23           “(v) the Saint Lawrence River to the  
24          Canadian border; and

1           “(G) any other body of water located with-  
2           in the drainage basin of a Lake, River, or con-  
3           necting channel described in any of subpara-  
4           graphs (A) through (F).

5           “(13) GREAT LAKES REGION.—The term ‘Great  
6           Lakes region’ means the region comprised of the  
7           States of Illinois, Indiana, Michigan, Minnesota,  
8           New York, Ohio, Pennsylvania, and Wisconsin.

9           “(14) IN TRADE.—The term ‘in trade’, with re-  
10          spect to a species, means a species that has a docu-  
11          mented history of repeatedly being commercially im-  
12          ported into the United States during the period be-  
13          ginning on January 1, 1990, and ending on January  
14          1, 2009.

15          “(15) INDIAN TRIBE.—The term ‘Indian tribe’  
16          has the meaning given the term in section 4 of the  
17          Indian Self-Determination and Education Assistance  
18          Act (25 U.S.C. 450b).

19          “(16) INTERBASIN WATERWAY.—The term  
20          ‘interbasin waterway’ means a waterway that con-  
21          nects 2 distinct water basins.

22          “(17) INTRODUCTION.—The term ‘introduction’  
23          means the transfer of an organism to an ecosystem  
24          outside the historic range of the species of which the  
25          organism is a member.

1           “(18) INVASION.—The term ‘invasion’ means  
2 an infestation of an aquatic invasive species.

3           “(19) INVASIVE SPECIES.—The term ‘invasive  
4 species’ means a nonindigenous species the introduc-  
5 tion of which into an ecosystem may cause harm to  
6 the economy, environment, human health, recreation,  
7 or public welfare.

8           “(20) NATIONAL INVASIVE SPECIES COUNCIL.—  
9 The term ‘National Invasive Species Council’ means  
10 the interagency council established by section 3 of  
11 Executive Order No. 13112 (42 U.S.C. 4321 note).

12           “(21) NEW VESSEL.—The term ‘new vessel’  
13 means any vessel that enters service on or after Jan-  
14 uary 1, 2012.

15           “(22) NONINDIGENOUS SPECIES.—The term  
16 ‘nonindigenous species’ means any species in an eco-  
17 system the range of which exceeds the historic range  
18 of the species in that ecosystem.

19           “(23) ORGANISM TRANSFER.—The term ‘orga-  
20 nism transfer’ means the movement of an organism  
21 of any species from 1 ecosystem to another eco-  
22 system outside the historic range of the species.

23           “(24) PATHWAY.—The term ‘pathway’ means 1  
24 or more vectors by which an invasive species is  
25 transferred from 1 ecosystem to another.

1           “(25) PLANNED IMPORTATION.—The term  
2 ‘planned importation’ means the purposeful move-  
3 ment of 1 or more nonindigenous organisms for use  
4 in the territorial limits of the United States.

5           “(26) REGIONAL PANEL.—The term ‘regional  
6 panel’ means a panel convened in accordance with  
7 section 1203.

8           “(27) SALTWATER FLUSHING.—The term ‘salt-  
9 water flushing’ means the process of—

10                   “(A) adding midocean water to a ballast  
11 water tank that contains residual quantities of  
12 ballast water;

13                   “(B) mixing the midocean water with the  
14 residual ballast water and sediment in the tank  
15 through the motion of a ship; and

16                   “(C) discharging the mixed water so that  
17 the salinity of the resulting residual ballast  
18 water in the tank exceeds 30 parts per thou-  
19 sand.

20           “(28) SECRETARY.—The term ‘Secretary’  
21 means the Secretary of Homeland Security.

22           “(29) SPECIES.—The term ‘species’ means any  
23 fundamental category of taxonomic classification  
24 below the level of genus or subgenus, including a

1 species, subspecies, or any recognized variety of ani-  
2 mal, plant, fungus, or microorganism.

3 “(30) TASK FORCE.—The term ‘Task Force’  
4 means the Aquatic Nuisance Species Task Force es-  
5 tablished by section 1201(a).

6 “(31) TREATMENT.—The term ‘treatment’  
7 means a mechanical, physical, chemical, biological,  
8 or other process or method of killing, removing, or  
9 rendering inviable organisms.

10 “(32) TYPE APPROVAL.—The term ‘type ap-  
11 proval’ means an approval procedure under which a  
12 type of system is initially certified as meeting a  
13 standard established by law (including a regulation)  
14 for a particular application if the system is operated  
15 correctly.

16 “(33) UNDER SECRETARY.—The term ‘Under  
17 Secretary’ means the Under Secretary of Commerce  
18 for Oceans and Atmosphere.

19 “(34) UNDESIRABLE IMPACT.—The term ‘unde-  
20 sirable impact’ means economic, human health, aes-  
21 thetic, or environmental degradation that is not nec-  
22 essary for, and is not clearly outweighed by, public  
23 health, environmental, or welfare benefits.

24 “(35) WATERS OF THE UNITED STATES.—

1           “(A) IN GENERAL.—The term ‘waters of  
2           the United States’ means the navigable waters  
3           and territorial sea of the United States.

4           “(B) INCLUSION.—The term ‘waters of the  
5           United States’ includes the Great Lakes.”.

6           **TITLE I—INVASIVE SPECIES**  
7                           **PREVENTION**  
8           **Subtitle A—National Aquatic**  
9                           **Invasive Species**

10          **CHAPTER 1—PREVENTION OF INTRODUC-**  
11                   **TION OF AQUATIC INVASIVE SPECIES**  
12                   **INTO WATERS OF THE UNITED STATES**  
13                   **BY VESSELS**

14          **SEC. 101. PREVENTION OF INTRODUCTION OF AQUATIC**  
15                           **INVASIVE SPECIES INTO WATERS OF THE**  
16                           **UNITED STATES BY VESSELS.**

17          (a) IN GENERAL.—Section 1101 of the Nonindige-  
18          nous Aquatic Nuisance Prevention and Control Act of  
19          1990 (16 U.S.C. 4711) is amended to read as follows:

20          **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**  
21                           **INVASIVE SPECIES INTO WATERS OF THE**  
22                           **UNITED STATES BY VESSELS.**

23          “(a) REQUIREMENTS FOR VESSELS OPERATING IN  
24          WATERS OF THE UNITED STATES.—

25                   “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

1           “(A) IN GENERAL.—Effective beginning on  
2 the date that is 180 days after the issuance of  
3 guidelines pursuant to subparagraph (D) and  
4 promulgation of any regulations under this sec-  
5 tion, each vessel that is equipped with a ballast  
6 tank, and any towed vessel or structure, oper-  
7 ating in waters of the United States shall have  
8 in effect, and have available for inspection, an  
9 aquatic invasive species management plan.

10           “(B) SPECIFICITY.—The management plan  
11 shall be specific to the vessel (or group of ves-  
12 sels with characteristics similar to that of the  
13 vessel, as determined by the Secretary).

14           “(C) REQUIREMENTS.—The management  
15 plan shall—

16                   “(i) prescribe a safe and effective  
17 means to minimize introductions and  
18 transfers of invasive species; and

19                   “(ii) include, at a minimum, such in-  
20 formation as is requested by the Secretary  
21 pursuant to subparagraph (D), including—

22                           “(I) operational requirements to  
23 safely and effectively comply with the  
24 applicable ballast water management  
25 requirements under paragraph (4);

1           “(II) operational requirements to  
2 safely and effectively carry out any  
3 actions consistent with a rapid re-  
4 sponse contingency strategy required  
5 by States and approved by the Sec-  
6 retary under section 1211;

7           “(III) at the discretion of the  
8 Secretary, other operational require-  
9 ments that are specified in guidelines  
10 adopted by the International Maritime  
11 Organization;

12           “(IV) a description of all report-  
13 ing requirements and a copy of each  
14 form necessary to meet those require-  
15 ments;

16           “(V) the position of the officer  
17 responsible for implementation of bal-  
18 last water management and reporting  
19 procedures on board;

20           “(VI) documents relevant to  
21 aquatic invasive species management  
22 equipment or procedures;

23           “(VII) a description of the loca-  
24 tion of access points for sampling bal-

1 last or sediments pursuant to para-  
2 graph (3)(B)(vi);

3 “(VIII) a description of require-  
4 ments relating to compliance with any  
5 approved rapid response strategy rel-  
6 evant to the voyage of the vessel;

7 “(IX) a contingency strategy ap-  
8 plicable under section 1211, if appro-  
9 priate; and

10 “(X) such requirements described  
11 in subsection (b) as are applicable to  
12 the vessel.

13 “(D) GUIDELINES.—Not later than 18  
14 months after the date of enactment of the  
15 Great Lakes Collaboration Implementation Act,  
16 the Secretary shall issue final guidelines for the  
17 development of invasive species management  
18 plans, including guidelines that—

19 “(i) identify types of vessels for which  
20 plans are required;

21 “(ii) establish processes for updating  
22 and revising the plans; and

23 “(iii) establish criteria for compliance  
24 with this subsection.

25 “(2) RECORDS.—The master of a vessel shall—

1           “(A) maintain records of all ballast oper-  
2           ations, for such period of time and including  
3           such information as the Secretary may specify;

4           “(B) permit inspection of the records by  
5           representatives of the Secretary and of the  
6           State in which the port is located; and

7           “(C) transmit records to the National Bal-  
8           last Information Clearinghouse established  
9           under section 1102(f).

10          “(3) BEST MANAGEMENT PRACTICES.—

11           “(A) IN GENERAL.—Not later than 18  
12           months after the date of enactment of the  
13           Great Lakes Collaboration Implementation Act,  
14           the Secretary shall issue guidelines on best  
15           management practices to eliminate or minimize  
16           and monitor organism transfer by vessels.

17           “(B) PRACTICES TO BE INCLUDED.—The  
18           best management practices shall include—

19           “(i) sediment management in trans-  
20           oceanic vessels;

21           “(ii) minimization of ballast water up-  
22           take in areas in which there is a greater  
23           risk of harmful organisms entering ballast  
24           tanks (such as areas with toxic algal

1 blooms or known outbreaks of aquatic  
2 invasive species);

3 “(iii) avoidance of unnecessary dis-  
4 charge of ballast water in a port that was  
5 taken up in another port;

6 “(iv) to the maximum extent prac-  
7 ticable, collection and the proper disposal  
8 of debris from the cleaning of the hull;

9 “(v) proper use of anti-fouling coat-  
10 ing; and

11 “(vi) provision of sample access ports  
12 in ballast piping for sampling of ballast in-  
13 take and discharge.

14 “(4) BALLAST WATER MANAGEMENT.—

15 “(A) IN GENERAL.—Effective beginning on  
16 the date that is 180 days after the Secretary  
17 promulgates regulations to carry out this sec-  
18 tion, and except as provided in subparagraph  
19 (B), each vessel equipped with a ballast water  
20 tank that enters a United States port shall  
21 comply with the regulations relating to ballast  
22 water management.

23 “(B) EXCEPTIONS.—

24 “(i) VESSELS OPERATING ENTIRELY  
25 WITHIN EXCLUSIVE ECONOMIC ZONE.—Be-

1 fore December 31, 2013, a vessel equipped  
2 with a ballast tank, and any towed vessel  
3 or structure, that operates entirely within  
4 the exclusive economic zone shall not be re-  
5 quired to comply with the regulations de-  
6 scribed in subsection (b)(2).

7 “(ii) VESSELS OPERATING IN EN-  
8 CLOSED AQUATIC ECOSYSTEMS.—

9 “(I) IN GENERAL.—Subject to  
10 subclause (II), an existing vessel  
11 equipped with a ballast tank, and any  
12 towed vessel or structure, that oper-  
13 ates exclusively in the upper 4 Great  
14 Lakes (Lake Superior, Lake Michi-  
15 gan, Lake Huron, and Lake Erie, and  
16 the connecting channels), or in an-  
17 other enclosed aquatic ecosystem shall  
18 not be required to comply with the  
19 regulations described in subsection  
20 (b)(1).

21 “(II) ADDITIONAL ENCLOSED  
22 AQUATIC ECOSYSTEMS.—The Admin-  
23 istrator and the Under Secretary, in  
24 consultation with regional panels of  
25 the Task Force, may determine addi-

1 tional enclosed aquatic ecosystems in  
2 which the potential for movement of  
3 organisms by natural and anthropo-  
4 genic means is not significantly al-  
5 tered by the movement of the vessels  
6 equipped with ballast tanks.

7 “(b) INVASIVE SPECIES MANAGEMENT REGULA-  
8 TIONS AND CERTIFICATION PROCEDURES.—

9 “(1) REGULATIONS.—Not later than 18 months  
10 after the date of enactment of the Great Lakes Col-  
11 laboration Implementation Act, the Secretary, with  
12 the concurrence of the Administrator and in con-  
13 sultation with the Task Force, shall promulgate final  
14 regulations establishing performance requirements  
15 for vessels to reduce or eliminate introduction by the  
16 vessels of invasive species to waters of the United  
17 States, including—

18 “(A) ballast water management operations  
19 (including relevant contingency procedures in  
20 instances in which a safety exemption is used  
21 pursuant to subsection (h)); and

22 “(B) management of other vessel path-  
23 ways, including the hull and sea chest of a ves-  
24 sel.

1           “(2) BALLAST WATER EXCHANGE.—The regula-  
2 tions promulgated pursuant to paragraph (1)—

3                   “(A) shall apply only to existing vessels;

4                   “(B) shall expire not later than December  
5 31, 2013; and

6                   “(C) shall include—

7                           “(i) a provision for ballast water ex-  
8 change that requires—

9                                   “(I) at least 1 empty-and-refill  
10 cycle, outside the exclusive economic  
11 zone or in an alternative exchange  
12 area designated by the Secretary, of  
13 each ballast tank that contains ballast  
14 water to be discharged into waters of  
15 the United States; or

16                                   “(II) for a case in which the  
17 master of a vessel determines that  
18 compliance with the requirement  
19 under subclause (I) is impracticable, a  
20 sufficient number of flow-through ex-  
21 changes of ballast water, outside the  
22 exclusive economic zone or in an alter-  
23 native exchange area designated by  
24 the Secretary, to achieve replacement  
25 of at least 95 percent of ballast water

1 in ballast tanks of the vessel, as deter-  
2 mined by a certification dye study  
3 conducted or model developed in ac-  
4 cordance with protocols developed  
5 under paragraph (5)(B) and recorded  
6 in the management plan of a vessel  
7 pursuant to subsection  
8 (a)(1)(C)(ii)(I); and

9 “(ii) if a ballast water exchange is not  
10 undertaken pursuant to subsection (h), a  
11 contingency procedure that requires the  
12 master of a vessel to use the best prac-  
13 ticable technology or practice to treat bal-  
14 last discharge.

15 “(3) BALLAST WATER TREATMENT.—

16 “(A) IN GENERAL.—The regulations pro-  
17 mulgated pursuant to paragraph (1) shall re-  
18 quire a vessel to which this section applies to  
19 conduct ballast water treatment in accordance  
20 with this paragraph before discharging ballast  
21 water.

22 “(B) PERFORMANCE STANDARDS.—Sub-  
23 ject to subparagraph (C)(ii), the regulations  
24 shall require that ballast water discharged  
25 shall—

1 “(i) contain—

2 “(I) less than 1 living organism  
3 per 10 cubic meters that is 50 or  
4 more micrometers in minimum dimen-  
5 sion;

6 “(II) less than 1 living organism  
7 per 10 milliliters that is—

8 “(aa) less than 50 microm-  
9 eters in minimum dimension; and

10 “(bb) more than 10 microm-  
11 eters in minimum dimension;

12 “(III) concentrations of indicator  
13 microbes that are less than—

14 “(aa)(AA) 1 colony-forming  
15 unit of toxicogenic *Vibrio cholera*  
16 (serotypes O1 and O139) per  
17 100 milliliters; or

18 “(BB) 1 colony-forming unit  
19 of that microbe per gram of wet  
20 weight of zoological samples;

21 “(bb) 126 colony-forming  
22 units of *escherichia coli* per 100  
23 milliliters; and

1                   “(cc) 33 colony-forming  
2                   units of intestinal enterococci per  
3                   100 milliliters; and

4                   “(IV) concentrations of such ad-  
5                   ditional indicator microbes as may be  
6                   specified in regulations promulgated  
7                   by the Secretary, in consultation with  
8                   the Administrator, that are less than  
9                   the quantities specified in those regu-  
10                  lations; or

11                  “(ii) comply with an alternative stand-  
12                  ard that is at least as protective as the  
13                  standards under clause (i), as determined  
14                  by the Secretary.

15                  “(C) BEST PERFORMING TREATMENT.—

16                  “(i) IN GENERAL.—Not later than  
17                  December 31, 2012, the Secretary, in con-  
18                  sultation with the Administrator, based on  
19                  technology assessments implemented before  
20                  July 31, 2012, shall determine whether  
21                  technologies exist that provide for the  
22                  achievement of the standards described in  
23                  subparagraph (B).

24                  “(ii) MODIFICATION OF STAND-  
25                  ARDS.—If the Secretary, in consultation

1 with the Administrator, determines under  
2 clause (i) that no technology exists that  
3 provides for the achievement of the stand-  
4 ards described in subparagraph (B), the  
5 Secretary shall modify the standards to re-  
6 quire vessels to discharge ballast water  
7 that has been treated with a treatment sys-  
8 tem that is among the best-performing 25  
9 percent of treatment systems that meet the  
10 applicable ballast discharge standard of the  
11 International Maritime Organization.

12 “(D) RECEPTION FACILITY EXCEPTION.—

13 “(i) IN GENERAL.—The requirements  
14 of this paragraph shall not apply to a ves-  
15 sel that discharges ballast water into a  
16 land-based or water-based facility for the  
17 reception of ballast water that meets each  
18 applicable standard under clause (ii).

19 “(ii) APPLICABLE STANDARDS.—Not  
20 later than 1 year after the date of enact-  
21 ment of the Great Lakes Collaboration Im-  
22 plementation Act, the Administrator and  
23 the Secretary shall jointly promulgate  
24 standards for—

1                   “(I) the reception of ballast  
2                   water in land-based and water-based  
3                   reception facilities; and

4                   “(II) the disposal or treatment of  
5                   received ballast water in a manner  
6                   that does not damage the environ-  
7                   ment, human health, property, or re-  
8                   sources.

9                   “(4) REVIEW AND REVISION.—The Secretary,  
10                  in concurrence with the Administrator, shall review  
11                  and revise, not less frequently than once every 3  
12                  years—

13                         “(A) any determination relating to the de-  
14                         termination under paragraph (3)(C)(i); and

15                         “(B) any modification of a standard under  
16                         paragraph (3)(C)(ii).

17                   “(5) CERTIFICATION OF TREATMENTS AND  
18                  PRACTICES.—

19                         “(A) IN GENERAL.—Not later than the  
20                         date on which regulations are promulgated pur-  
21                         suant to paragraphs (2) and (3), the Secretary  
22                         shall, with the concurrence of the Adminis-  
23                         trator, promulgate regulations for—

1                   “(i) the certification of treatments or  
2                   practices the performances of which com-  
3                   ply with the regulations; and

4                   “(ii) on-going enforcement of the ef-  
5                   fective use of the certified treatments or  
6                   practices.

7                   “(B) CERTIFICATION OF BALLAST WATER  
8                   EXCHANGE PROCEDURES.—The certification of  
9                   ballast water exchange procedures in compli-  
10                  ance with the regulations promulgated pursuant  
11                  to paragraph (2) shall be based on a qualified  
12                  type-approval process, including a protocol in-  
13                  volving dye studies or models detailing flow dy-  
14                  namics of a vessel or class of vessels described  
15                  in paragraph (2)(A)(ii) for demonstrating the  
16                  number of flow-through exchanges necessary for  
17                  such a vessel to meet the percentage purge re-  
18                  quirements associated with the flow-through  
19                  technique for ballast water exchange.

20                  “(C) CERTIFICATION OF ALL OTHER BAL-  
21                  LAST WATER DISCHARGE TREATMENTS.—The  
22                  certification of treatments in compliance with  
23                  the regulations promulgated pursuant to para-  
24                  graph (1)(B) shall be based on a qualified type-  
25                  approval process that—

1           “(i) is capable of estimating the ex-  
2           tent to which ballast water discharge treat-  
3           ed by a ballast water treatment system is  
4           likely to comply with applicable standards,  
5           including any restrictions relating to—

6                       “(I) biological, chemical, or phys-  
7                       ical conditions of water taken into bal-  
8                       last; and

9                       “(II) conditions encountered dur-  
10                      ing a voyage;

11           “(ii) is capable of determining the ex-  
12           tent to which a ballast water treatment  
13           method—

14                      “(I) is environmentally sound,  
15                      based on criteria promulgated by the  
16                      Administrator under paragraph  
17                      (8)(A); and

18                      “(II) is safe for vessel and crew;

19           “(iii) may be used in estimating the  
20           expected useful life of the ballast water  
21           treatment system, as determined on the  
22           basis of voyage patterns and normal use  
23           conditions;

1 “(iv) includes a ship-boarding testing  
2 component (and may include a shore-based  
3 testing component);

4 “(v) provides for appropriate moni-  
5 toring, as determined by the Adminis-  
6 trator;

7 “(vi) provides for revocation by the  
8 Administrator of approval pending the re-  
9 sults of the monitoring; and

10 “(vii) is cost-effective.

11 “(D) EXPIRATION OF BALLAST WATER EX-  
12 CHANGE OPTION.—On the date of expiration of  
13 the ballast water exchange option under para-  
14 graph (2), the certification process shall apply  
15 to all methods of ballast water management,  
16 treatment, and system design.

17 “(E) REVIEW AND REVISION.—Not less  
18 frequently than once every 3 years, the Sec-  
19 retary, in conjunction with the Administrator,  
20 shall review and, if necessary, revise the certifi-  
21 cation process pursuant to subsection (d)(1).

22 “(F) APPLICATION FOR APPROVAL.—

23 “(i) IN GENERAL.—The Secretary and  
24 the Administrator shall approve an appli-  
25 cation for certification of a ballast water

1 treatment system only if the application is  
2 in such form and contains such informa-  
3 tion as the Secretary and Administrator  
4 may require.

5 “(ii) APPROVAL AND DISAPPROVAL.—

6 “(I) IN GENERAL.—On receipt of  
7 an application under clause (i)—

8 “(aa) the Administrator  
9 shall, not later than 90 days  
10 after the date of receipt of the  
11 application—

12 “(AA) review the appli-  
13 cation for compliance and  
14 consistency with environ-  
15 mental soundness criteria  
16 promulgated under para-  
17 graph (8)(A); and

18 “(BB) approve those  
19 ballast water treatment sys-  
20 tems that meet those cri-  
21 teria; and

22 “(bb) the Secretary, in con-  
23 sultation with the Task Force,  
24 shall, not later than 180 days

1 after the date of receipt of the  
2 application—

3 “(AA) determine  
4 whether the ballast water  
5 treatment system covered by  
6 the application meets the re-  
7 quirements of this sub-  
8 section, as appropriate;

9 “(BB) approve or dis-  
10 approve the application; and

11 “(CC) provide the ap-  
12 plicant written notice of ap-  
13 proval or disapproval.

14 “(II) LIMITATIONS.—An applica-  
15 tion approved under subclause (I)  
16 shall—

17 “(aa) be qualified with any  
18 limitations relating to voyage  
19 pattern, duration, or any other  
20 characteristic that may affect the  
21 effectiveness or environmental  
22 soundness of the ballast water  
23 treatment system covered by the  
24 application, as determined by the

1 Secretary in consultation with  
2 the Administrator;

3 “(bb) be applicable to a spe-  
4 cific vessel or group of vessels, as  
5 determined by the Secretary;

6 “(cc) be valid for the least  
7 of—

8 “(AA) the expected use-  
9 ful life of the ballast water  
10 treatment system;

11 “(BB) 10 years; or

12 “(CC) such period of  
13 time for which the Secretary  
14 or Administrator (as appro-  
15 priate) determines that  
16 (based on available informa-  
17 tion, including information  
18 developed pursuant to para-  
19 graph (6)(B)(iii)) there ex-  
20 ists a serious deficiency in  
21 performance or environ-  
22 mental soundness of the sys-  
23 tem relative to anticipated  
24 performance or environ-  
25 mental soundness; and

1 “(dd) be renewed if—

2 “(AA) the Secretary de-  
3 termines that the ballast  
4 water treatment system re-  
5 mains in compliance with  
6 applicable standards as of  
7 the date of application for  
8 renewal; or

9 “(BB) the remaining  
10 useful life of the vessel is  
11 less than 10 years.

12 “(6) EXPERIMENTAL APPROVAL FOR BALLAST  
13 WATER TREATMENT.—

14 “(A) IN GENERAL.—The owner or operator  
15 of a vessel may submit to the Secretary an ap-  
16 plication to test or evaluate a promising ballast  
17 water treatment technology that—

18 “(i) has the potential to achieve the  
19 standards required under paragraph (3);  
20 and

21 “(ii) is likely to achieve a minimum  
22 performance that is the same as or more  
23 stringent than a standard required under  
24 paragraph (3)(C)(ii), as applicable.

1           “(B) APPROVAL.—The Secretary shall ap-  
2           prove an application under subparagraph (A)  
3           if—

4                   “(i) the Secretary and the Adminis-  
5                   trator determine that the treatment tech-  
6                   nologies have the potential to achieve the  
7                   standards required under paragraph (3);  
8                   and

9                   “(ii) the Administrator determines,  
10                  based on independent and peer-reviewed  
11                  information provided to the Secretary by  
12                  the owner or operator of the vessel or  
13                  other applicable parties, that the treatment  
14                  technologies—

15                          “(I) comply with environmental  
16                          requirements (including regulations);  
17                          and

18                          “(II) have the potential to meet  
19                          environmental soundness criteria es-  
20                          tablished under paragraph (8)(A)(i).

21           “(C) WAIVER.—If the Secretary approves  
22           an application under subparagraph (B), the  
23           Secretary and the Administrator may waive the  
24           requirements under subsection (a)(4)(A) with

1 respect to the vessel that is subject to the appli-  
2 cation approved.

3 “(D) LIMITATIONS.—

4 “(i) PERIOD OF TESTING.—Testing of  
5 the treatment system approved under this  
6 section may cease prior to the termination  
7 of the approval period described in clause  
8 (ii).

9 “(ii) PERIOD OF APPROVAL.—Ap-  
10 proval granted under subparagraph (B)  
11 shall be for the least of—

12 “(I) the expected useful life of  
13 the ballast water treatment system;

14 “(II) a period of 10 years; or

15 “(III) a period ending on the  
16 date that the Secretary and Adminis-  
17 trator (as appropriate) determines  
18 that there exists a serious deficiency  
19 in performance or human safety or  
20 environmental soundness of the sys-  
21 tem relative to anticipated perform-  
22 ance or environmental soundness.

23 “(iii) INFORMATION.—As a condition  
24 of receiving experimental approval for a  
25 treatment under subparagraph (B), the

1 owner or operator of a vessel shall agree to  
2 collect and report such information regard-  
3 ing the operational and biological effective-  
4 ness of the treatment through sampling of  
5 the intake and discharge ballast as the  
6 Secretary may request.

7 “(iv) RENEWAL.—An experimental  
8 approval may be renewed in accordance  
9 with paragraph (5)(F)(ii).

10 “(7) INCENTIVES FOR USE OF TREATMENT SYS-  
11 TEMS.—

12 “(A) IN GENERAL.—The Secretary, the  
13 Secretary of Transportation, and the Adminis-  
14 trator shall assist owners or operators of vessels  
15 that seek to obtain experimental approval for  
16 installation of ballast water treatment systems,  
17 including through providing guidance on—

18 “(i) a sampling protocol and test pro-  
19 gram for cost effective treatment evalua-  
20 tion;

21 “(ii) sources of sampling equipment  
22 and field biological expertise; and

23 “(iii) examples of shipboard evalua-  
24 tion studies.

1           “(B) SELECTION OF TECHNOLOGIES AND  
2 PRACTICES.—In selecting technologies and  
3 practices for shipboard demonstration under  
4 section 1104(b), the Secretary of the Interior  
5 and the Secretary of Commerce shall give pri-  
6 ority consideration to technologies and practices  
7 that have received or are in the process of re-  
8 ceiving certification under paragraph (5).

9           “(C) ANNUAL SUMMARIES.—The Secretary  
10 shall annually summarize, and make available  
11 to interested parties, all available information  
12 on the performance of technologies proposed for  
13 ballast treatment to facilitate the application  
14 process for experimental approval for ballast  
15 water treatment under paragraph (6).

16           “(8) ENVIRONMENTAL SOUNDNESS CRITERIA  
17 FOR BALLAST TREATMENTS.—

18           “(A) IN GENERAL.—The Administrator  
19 shall include in criteria promulgated under sec-  
20 tion 1202(k)(1)(A) specific criteria—

21                   “(i) to ensure environmental sound-  
22 ness of ballast treatment systems; and

23                   “(ii) to grant environmental sound-  
24 ness exceptions under subparagraph (B).

25           “(B) EXCEPTIONS.—

1           “(i) IN GENERAL.—In reviewing appli-  
2           cations under paragraph (5)(F)(ii)(I)(aa)  
3           in an emergency situation to achieve reduc-  
4           tions in significant and acute risk of trans-  
5           fers of invasive species by vessels, the Sec-  
6           retary and the Administrator may jointly  
7           determine to make an exception to criteria  
8           described in subparagraph (A)(i).

9           “(ii) QUALIFICATION OF APPROV-  
10          ALS.—To be eligible for an exception under  
11          clause (i), an approval under paragraph  
12          (5)(F)(ii)(I)(aa) shall be qualified under  
13          paragraph (5)(F)(ii)(II).

14       “(c) GREAT LAKES PROGRAM.—

15           “(1) REGULATIONS.—

16           “(A) IN GENERAL.—Until such time as  
17           regulations are promulgated to implement the  
18           amendments made by the Great Lakes Collabo-  
19           ration Implementation Act, regulations promul-  
20           gated to carry out this Act shall remain in ef-  
21           fect until revised or replaced pursuant to the  
22           Great Lakes Collaboration Implementation Act.

23           “(B) NO BALLAST ON BOARD.—Not later  
24           than 180 days after the date of enactment of  
25           the Great Lakes Collaboration Implementation

1 Act, the Secretary shall promulgate regulations  
2 to minimize the discharge of invasive species  
3 from ships that claim no ballast on board, or  
4 that claim to be carrying only unpumpable  
5 quantities of ballast, including, at a minimum,  
6 a requirement that—

7 “(i) such a ship shall conduct salt-  
8 water flushing of ballast water tanks—

9 “(I) outside the exclusive eco-  
10 nomic zone; or

11 “(II) at a designated alternative  
12 exchange site; and

13 “(ii) before being allowed entry be-  
14 yond the St. Lawrence Seaway, the master  
15 of such a ship shall certify that the ship  
16 has complied with each applicable require-  
17 ment under this subsection.

18 “(C) EARLY TECHNOLOGY.—

19 “(i) IN GENERAL.—Not later than  
20 180 days after the date of enactment of  
21 the Great Lakes Collaboration Implemen-  
22 tation Act, the Secretary shall promulgate  
23 regulations allowing ships entering the  
24 Great Lakes to use a ballast water treat-  
25 ment technology that is as effective as bal-

1 last water exchange, as determined by the  
2 Secretary.

3 “(ii) REQUIREMENT.—The regulations  
4 under clause (i) shall include a provision  
5 that a ballast water treatment technology  
6 used for purposes of complying with the  
7 regulations shall be permitted for the  
8 shorter of—

9 “(I) the 10-year period beginning  
10 on the date of initial use of the tech-  
11 nology; and

12 “(II) the life of the ship on which  
13 the technology is used.

14 “(iii) TREATMENT EQUIVALENCY TO  
15 BALLAST WATER EXCHANGE.—For pur-  
16 poses of the regulations under clause (i),  
17 the discharge standard of the International  
18 Maritime Organization shall be considered  
19 to be as effective as ballast water ex-  
20 change.

21 “(2) RELATIONSHIP TO OTHER PROGRAMS.—  
22 On implementation of a national mandatory ballast  
23 management program that is at least as comprehen-  
24 sive as the Great Lakes program (as determined by

1 the Secretary, in consultation with the Governors of  
2 Great Lakes States)—

3 “(A) the program regulating vessels and  
4 ballast water in Great Lakes under this section  
5 shall terminate; and

6 “(B) the national program shall apply to  
7 such vessels and ballast water.

8 “(3) REVIEW AND REVISION.—

9 “(A) IN GENERAL.—Not later than the  
10 date that is 18 months after the date of enact-  
11 ment of the Great Lakes Collaboration Imple-  
12 mentation Act, the Secretary shall—

13 “(i) review and revise regulations pro-  
14 mulgated under this section to ensure the  
15 regulations provide the maximum prac-  
16 ticable protection of the Great Lakes eco-  
17 system from introduction by vessels (in-  
18 cluding vessels in the unballasted condi-  
19 tion) of aquatic invasive species; and

20 “(ii) promulgate the revised regula-  
21 tions.

22 “(B) CONTENTS.—The revised regulations  
23 shall include, at a minimum, requirements  
24 under subsections (a) and (b) (as amended by  
25 that Act).

1       “(d) PERIODIC REVIEW AND REVISION OF REGULA-  
2 TIONS.—

3           “(1) IN GENERAL.—Not later than 3 years  
4 after the date of enactment of the Great Lakes Col-  
5 laboration Implementation Act, and not less often  
6 than every 3 years thereafter, the Secretary shall  
7 (with the concurrence of the Administrator, based on  
8 recommendations of the Task Force, and informa-  
9 tion collected and analyzed under this title and in  
10 accordance with criteria developed by the Task  
11 Force under paragraph (3))—

12           “(A) assess the compliance by vessels with  
13 regulations promulgated under this section;

14           “(B) assess the effectiveness of the regula-  
15 tions referred to in subparagraph (A) in reduc-  
16 ing the introduction and spread of aquatic  
17 invasive species by vessels; and

18           “(C) as necessary, on the basis of the best  
19 scientific information available—

20           “(i) revise the regulations referred to  
21 in subparagraph (A); and

22           “(ii) promulgate additional regula-  
23 tions.

24           “(2) SPECIAL REVIEW AND REVISION.—Not  
25 later than 90 days after the date on which the Task

1 Force makes a request to the Secretary for a special  
2 review and revision of the Program, the Secretary  
3 shall (with the concurrence of the Administrator)—

4 “(A) conduct a special review of regula-  
5 tions in accordance with paragraph (1); and

6 “(B) as necessary, in the same manner as  
7 provided under paragraph (1)(C)—

8 “(i) revise those guidelines; or

9 “(ii) promulgate additional regula-  
10 tions.

11 “(3) CRITERIA FOR EFFECTIVENESS.—Not  
12 later than 1 year after the date of enactment of the  
13 Great Lakes Collaboration Implementation Act, and  
14 every 3 years thereafter, the Task Force shall sub-  
15 mit to the Secretary criteria for determining the  
16 adequacy and effectiveness of all regulations promul-  
17 gated under this section.

18 “(e) SANCTIONS.—

19 “(1) CIVIL PENALTIES.—

20 “(A) IN GENERAL.—Any person that vio-  
21 lates a regulation promulgated under this sec-  
22 tion shall be liable for a civil penalty in an  
23 amount not to exceed \$50,000.

1           “(B) SEPARATE VIOLATIONS.—Each day  
2 of a continuing violation constitutes a separate  
3 violation.

4           “(C) LIABILITY OF VESSELS.—A vessel op-  
5 erated in violation of a regulation promulgated  
6 under this Act shall be liable in rem for any  
7 civil penalty assessed under this subsection for  
8 that violation.

9           “(2) CRIMINAL PENALTIES.—Any person that  
10 knowingly violates the regulations promulgated  
11 under subsection (b) is guilty of a class C felony.

12           “(3) REVOCATION OF CLEARANCE.—On request  
13 of the Secretary, the Secretary of the Treasury shall  
14 withhold or revoke the clearance of a vessel required  
15 by section 4197 of the Revised Statutes (46 U.S.C.  
16 App. 91), if the owner or operator of that vessel is  
17 in violation of the regulations promulgated under  
18 subsection (b).

19           “(4) EXCEPTION TO SANCTIONS.—This sub-  
20 section does not apply to a failure to exchange bal-  
21 last water if—

22           “(A) the master of a vessel, acting in good  
23 faith, decides that the exchange of ballast water  
24 will threaten the safety or stability of the vessel  
25 or the crew or passengers of the vessel; and

1 “(B) the vessel complies with—

2 “(i) recordkeeping requirements of  
3 this Act;

4 “(ii) contingency requirements of sec-  
5 tion 1211; and

6 “(iii) reporting requirements of this  
7 Act.

8 “(f) COORDINATION WITH OTHER AGENCIES.—The  
9 Secretary is encouraged to use (with consent) the exper-  
10 tise, facilities, members, or personnel of, appropriate Fed-  
11 eral and State agencies and organizations that have rou-  
12 tine contact with vessels, as determined by the Secretary.

13 “(g) CONSULTATION WITH CANADA, MEXICO, AND  
14 OTHER FOREIGN GOVERNMENTS.—In developing the  
15 guidelines issued and regulations promulgated under this  
16 section, the Secretary is encouraged to consult with the  
17 Government of Canada, the Government of Mexico, and  
18 any other government of a foreign country that the Sec-  
19 retary, in consultation with the Task Force, determines  
20 to be necessary to develop and implement an effective  
21 international program for preventing the unintentional in-  
22 troduction and spread of nonindigenous species.

23 “(h) SAFETY EXEMPTION.—

24 “(1) MASTER DISCRETION.—The Master of a  
25 vessel is not required to conduct a ballast water ex-

1 change if the Master determines that the exchange  
2 would threaten the safety or stability of the vessel,  
3 or the crew or passengers of the vessel, because of  
4 adverse weather, vessel architectural design, equip-  
5 ment failure, or any other extraordinary conditions.

6 “(2) OTHER REQUIREMENTS.—A vessel that  
7 does not exchange ballast water on the high seas  
8 under paragraph (1) shall not discharge ballast  
9 water in any harbor, except in accordance with a  
10 contingency strategy approved by the Secretary (and  
11 included in the invasive species management plan of  
12 the vessel) to reduce the risk of organism transfer  
13 by the discharge (using the best practicable tech-  
14 nology and practices pursuant to regulations promul-  
15 gated under subsection (b)(1)).

16 “(i) NON-DISCRIMINATION.—The Secretary shall en-  
17 sure that vessels registered outside of the United States  
18 do not receive more favorable treatment than vessels reg-  
19 istered in the United States in any case in which the Sec-  
20 retary performs studies, reviews compliance, determines  
21 effectiveness, establishes requirements, or performs any  
22 other responsibilities under this Act.

23 “(j) EFFECT ON OTHER LAW.—Nothing in this sec-  
24 tion or any regulation promulgated under this section su-  
25 persedes or otherwise affects any requirement or prohibi-

1 tion relating to the discharge of ballast water under the  
2 Federal Water Pollution Control Act (33 U.S.C. 1251 et  
3 seq.).”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 1102(c)(1) of the Nonindigenous  
6 Aquatic Nuisance Prevention and Control Act of  
7 1990 (16 U.S.C. 4712(c)(1)) is amended by striking  
8 “issued under section 1101(b)” and inserting “pro-  
9 mulgated under section 1101(e)”.

10 (2) Section 1102(f)(1)(B) of the Nonindigenous  
11 Aquatic Nuisance Prevention and Control Act of  
12 1990 (16 U.S.C. 4712(f)(1)(B)) is amended by  
13 striking “guidelines issued pursuant to section  
14 1101(e)” and inserting “regulations promulgated  
15 under section 1101(e)”.

16 **SEC. 102. ARMED SERVICES WHOLE VESSEL MANAGEMENT**  
17 **PROGRAM.**

18 Section 1103 of the Nonindigenous Aquatic Nuisance  
19 Prevention and Control Act of 1990 (16 U.S.C. 4713) is  
20 amended—

21 (1) by striking the section heading and insert-  
22 ing the following:

23 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**  
24 **MENT PROGRAM.”;**

25 and

1 (2) in subsection (a)—

2 (A) by striking “Subject to” and inserting  
3 the following:

4 “(1) BALLAST WATER.—Subject to”; and

5 (B) by adding at the end the following:

6 “(2) TOWED VESSEL MANAGEMENT PRO-  
7 GRAM.—

8 “(A) IN GENERAL.—Subject to operational  
9 conditions, the Secretary of Defense, in con-  
10 sultation with the Secretary and the Task  
11 Force, shall implement a towed vessel manage-  
12 ment program for Department of Defense ves-  
13 sels to minimize the risk of introductions of  
14 aquatic invasive species through hull and asso-  
15 ciated hull aperture transfers by towed vessels.

16 “(B) CURRENT BALLAST PROGRAM.—Ex-  
17 cept as provided in subparagraph (A), this Act  
18 does not affect the ballast program for Depart-  
19 ment of Defense vessels in effect on the date of  
20 enactment of the Great Lakes Collaboration  
21 Implementation Act.

22 “(3) REPORTS.—Not later than 3 years after  
23 the date of enactment of the Great Lakes Collabora-  
24 tion Implementation Act, and every 3 years there-  
25 after, the Secretary of Defense shall submit to Con-

1       gress a report that includes a summary and analysis  
2       of the program carried out under this section.”.

3       **CHAPTER 2—PREVENTION OF THE INTRO-**  
4       **DUCTION OF AQUATIC INVASIVE SPE-**  
5       **CIES BY OTHER PATHWAYS**

6       **SEC. 106. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

7       Subtitle C of title I of the Nonindigenous Aquatic  
8       Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
9       4721 et seq.) is amended by adding at the end the fol-  
10      lowing:

11      **“SEC. 1210. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

12      “(a) IDENTIFICATION OF HIGH PRIORITY PATH-  
13      WAYS.—Not later than 2 years after the date of enactment  
14      of the Great Lakes Collaboration Implementation Act, and  
15      every 3 years thereafter, the Task Force, in coordination  
16      with the Invasive Species Council and in consultation with  
17      representatives of States, industry, and other interested  
18      parties, shall, based on pathway surveys and other avail-  
19      able research relating to the rates of introductions in wa-  
20      ters of the United States—

21              “(1) identify those pathways that pose the high-  
22              est risk for introductions of invasive species, both  
23              nationally and on a region-by-region basis unless  
24              further managed;

1           “(2) develop recommendations for management  
2 strategies for those high-risk pathways;

3           “(3) include in the report to the Congress re-  
4 quired under section 1201(f)(2)(B) a description of  
5 the identifications, strategies, and recommendations;  
6 and

7           “(4) identify aquatic invasive species not yet in-  
8 troduced into waters of the United States that are  
9 likely to be introduced into waters of the United  
10 States unless preventative measures are taken.

11       “(b) MANAGEMENT OF HIGH PRIORITY PATH-  
12 WAYS.—Not later than 3 years after the date of enactment  
13 of the Great Lakes Collaboration Implementation Act, the  
14 Task Force or agencies of jurisdiction shall, to the max-  
15 imum extent practicable, implement the strategies de-  
16 scribed in subsection (a)(2).”.

17 **SEC. 107. SCREENING PROCESS FOR PLANNED IMPORTA-**  
18 **TIONS OF LIVE AQUATIC ORGANISMS.**

19       Subtitle B of title I of the Nonindigenous Aquatic  
20 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
21 4711 et seq.) is amended by adding at the end the fol-  
22 lowing:

1 **“SEC. 1105. SCREENING PROCESS FOR PLANNED IMPORTA-**  
2 **TIONS OF LIVE AQUATIC ORGANISMS.**

3 “(a) IN GENERAL.—Not later than 3 years after the  
4 date of enactment of the Great Lakes Collaboration Imple-  
5 mentation Act, no live aquatic organism of a species not  
6 in trade shall be imported into the United States without  
7 screening and approval in accordance with subsections (c)  
8 and (d).

9 “(b) GUIDELINES.—

10 “(1) IN GENERAL.—Not later than 30 months  
11 after the date of enactment of the Great Lakes Col-  
12 laboration Implementation Act, in consultation with  
13 regional panels convened under section 1203, States,  
14 tribes, and other stakeholders, the Invasive Species  
15 Council (in conjunction with the Task Force) shall  
16 issue guidelines for screening proposed planned im-  
17 portations of live aquatic organisms into the United  
18 States, that include—

19 “(A) guidelines for minimum information  
20 requirements for determinations under sub-  
21 section (c); and

22 “(B) guidelines for a simplified notification  
23 procedure for any additional shipments of orga-  
24 nisms that may occur after completion of an  
25 initial screening process and determination  
26 under subsection (c).

1           “(2) PURPOSE.—The purpose of the screening  
2           process shall be to prevent the introduction or estab-  
3           lishment of aquatic invasive species in waters of the  
4           United States and contiguous waters of Canada and  
5           Mexico.

6           “(3) FACTORS.—In developing guidelines under  
7           this subsection and reviewing and revising the guide-  
8           lines under subsection (j), the Invasive Species  
9           Council and the Task Force shall consider—

10                   “(A) the likelihood of the spread of species  
11                   by human or natural means;

12                   “(B) species that may occur in association  
13                   with the species planned for importation, in-  
14                   cluding pathogens, parasites, and free-living or-  
15                   ganisms; and

16                   “(C) regional differences in probability of  
17                   invasion and associated impacts.

18           “(c) CATEGORIES.—The screening process conducted  
19           pursuant to subsection (d) shall require the identification,  
20           to the maximum extent practicable, to the species level or,  
21           at least, to the genus level, of live aquatic organisms pro-  
22           posed for importation and shall list—

23                   “(1) species with high or moderate probability  
24                   of undesirable impacts to areas within the bound-  
25                   aries of the United States and contiguous areas of

1 neighboring countries, to which the species is likely  
2 to spread; and

3 “(2) species on which there is insufficient infor-  
4 mation to determine the risk category based on  
5 guidelines issued pursuant to subsection (b)(1)(B).

6 “(d) EVALUATION.—

7 “(1) IN GENERAL.—Not later than 180 days  
8 after the date of promulgation of guidelines under  
9 subsection (b), in consultation with regional panels  
10 convened under section 1203, States, tribes, and  
11 other stakeholders, a Federal agency with authority  
12 over an importation into the United States of a live  
13 organism of a species not in trade shall screen the  
14 species in accordance with guidelines promulgated  
15 under subsection (b).

16 “(2) DELEGATION AND AUTHORITY.—If no  
17 agency has authority described in paragraph (1) or  
18 an agency delegates the screening to the Director  
19 under subsection (h)—

20 “(A) the Director shall screen the orga-  
21 nisms in accordance with subsections (a) and  
22 (b); and

23 “(B) the Director may prohibit the impor-  
24 tation of an organism of a species not in trade  
25 if the Director determines, based on evaluations

1 consistent with the screening requirements pro-  
2 mulgated under subsection (f), that the species  
3 has a high or moderate probability of undesir-  
4 able impacts on areas within the boundaries of  
5 the United States and contiguous areas of  
6 neighboring countries to which the species may  
7 spread.

8 “(3) MULTIPLE JURISDICTION.—If more than 1  
9 agency has jurisdiction over the importation of a live  
10 organism, the agencies shall conduct only 1 screen-  
11 ing process as determined by a memorandum of un-  
12 derstanding consistent with subsection (f), except  
13 that the Secretary of Agriculture, shall conduct  
14 screening of organisms imported to be cultured.

15 “(e) REQUIREMENTS.—A Federal agency of jurisdic-  
16 tion, or the Director, shall—

17 “(1) restrict or prohibit the importation into  
18 the United States from outside the United States of  
19 any species that is described in subsection (c)(1);

20 “(2) prohibit the importation of any species de-  
21 scribed in subsection (c)(2), unless the importation  
22 is for the sole purpose of research that is conducted  
23 in accordance with section 1202(f)(2); and

1           “(3) make a determination under this sub-  
2 section not later than 60 days after receiving a re-  
3 quest for permission to import a live aquatic species.

4           “(f) MEMORANDUM OF UNDERSTANDING.—

5           “(1) IN GENERAL.—The Director of the United  
6 States Fish and Wildlife Service shall enter into a  
7 memorandum of understanding with the heads of  
8 the agencies of jurisdiction regarding the screening  
9 requirements contained in this section.

10           “(2) CONTENTS.—The memorandum of under-  
11 standing shall contain, at a minimum—

12           “(A) a description of the relationship be-  
13 tween and responsibilities of the agencies of ju-  
14 risdiction, including a process designating a  
15 lead agency in cases in which multiple agencies  
16 may have jurisdiction over the screening of an  
17 aquatic species;

18           “(B) the process by which the Director will  
19 delegate screening duties to and receive delega-  
20 tion from other agencies of jurisdiction; and

21           “(C) the process by which agencies of ju-  
22 risdiction will coordinate and share information  
23 required for the screening process.

24           “(g) DELEGATION TO DIRECTOR.—Any agency with  
25 authority over the planned importation of a live aquatic

1 organism may delegate to the Director the screening proc-  
2 ess carried out under this section.

3 “(h) CATALOG OF SPECIES IN TRADE.—Not later  
4 than 1 year after the date of enactment of the Great  
5 Lakes Collaboration Implementation Act, the Director of  
6 the United States Geological Survey and the Director of  
7 the Smithsonian Environmental Research Center, in co-  
8 operation with agencies with jurisdiction over planned im-  
9 portations of live organisms, shall—

10 “(1) develop and update as necessary a catalog  
11 of species in trade; and

12 “(2) include the list in the information provided  
13 to the public pursuant to section 1102(f).

14 “(i) REVIEW AND REVISION.—

15 “(1) IN GENERAL.—At least once every 3 years,  
16 the Council, in conjunction with the Task Force,  
17 shall use research on early detection and monitoring  
18 under section 1106, among other information  
19 sources, to review and revise the screening, guide-  
20 lines, and process carried out under this section.

21 “(2) REPORT.—The Invasive Species Council  
22 shall include in its report to Congress required pur-  
23 suant to section 1201(f)(2)(B)—

1           “(A) an evaluation of the effectiveness of  
2           the screening processes carried out under this  
3           section;

4           “(B) an evaluation of the consistency of  
5           the application of the screening by agencies;  
6           and

7           “(C) recommendations for revisions of the  
8           processes.

9           “(j) PROHIBITIONS.—It shall be unlawful for any  
10          person subject to the jurisdiction of the United States to  
11          import an organism of a species described under sub-  
12          section (c) or (d) or in violation of regulations promul-  
13          gated under this section.

14          “(k) PENALTIES.—

15                 “(1) CIVIL PENALTIES.—Any person who vio-  
16          lates subsection (j) shall be liable for a civil penalty  
17          in an amount not to exceed \$50,000.

18                 “(2) CRIMINAL PENALTIES.—Any person who  
19          knowingly violates subsection (j) is guilty of a class  
20          C felony.

21                 “(l) FEES.—The head of any agency that has juris-  
22          diction over a planned importation of a species subject to  
23          screening under this Act may increase the amount of any  
24          appropriate fee that is charged under an authority of law

1 to offset the cost of any screening process carried out  
2 under this section.

3 “(m) INFORMATION.—A Federal agency conducting  
4 a screening process under this section shall make the re-  
5 sults of the process available to the public (including inter-  
6 national organizations).

7 “(n) REGULATIONS.—The Director may issue regula-  
8 tions to implement this section.

9 “(o) APPLICABILITY: EFFECT ON OTHER LAWS.—  
10 Nothing in this section shall be construed as repealing,  
11 superseding, or modifying any provision of Federal or  
12 state law.”.

13 **CHAPTER 3—EARLY DETECTION; RAPID**  
14 **RESPONSE; CONTROL AND OUTREACH**

15 **SEC. 111. EARLY DETECTION.**

16 Subtitle B of title I of the Nonindigenous Aquatic  
17 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
18 4711 et seq.) (as amended by section 107) is amended  
19 by adding at the end the following:

20 **“SEC. 1106. EARLY DETECTION AND MONITORING.**

21 “(a) EARLY DETECTION.—

22 “(1) IN GENERAL.—Not later than 18 months  
23 after the date of enactment of the Great Lakes Col-  
24 laboration Implementation Act, in conjunction with  
25 the Council, the Task Force shall develop and pro-

1 mulgate a set of sampling protocols, a geographic  
2 plan, and budget to support a national system of ec-  
3 ological surveys to rapidly detect recently established  
4 aquatic invasive species in waters of the United  
5 States.

6 “(2) CONTENTS.—The protocols, plan, and  
7 budget shall, at a minimum—

8 “(A) address a diversity of aquatic eco-  
9 systems of the United States (including inland  
10 and coastal waters);

11 “(B) encourage State, local, port, and trib-  
12 al participation in monitoring;

13 “(C) balance scientific rigor with practica-  
14 bility, timeliness, and breadth of sampling activ-  
15 ity;

16 “(D) consider the pathways and/or orga-  
17 nisms identified under section 1210;

18 “(E) include a capacity to evaluate the im-  
19 pacts of permitted importations screened by the  
20 processes established under section 1105; and

21 “(F) include clear lines of communication  
22 with appropriate Federal, State, and regional  
23 rapid response authorities.

24 “(3) IMPLEMENTATION.—Not later than 3  
25 years after the date of enactment of the Great Lakes

1 Collaboration Implementation Act, the Director of  
2 the United States Fish and Wildlife Service, the Ad-  
3 ministrator of the National Oceanic and Atmos-  
4 pheric Administration, and the Administrator (in  
5 consultation with the Invasive Species Council and  
6 in coordination with other agencies) shall implement  
7 a national system of ecological surveys that is—

8 “(A) carried out in cooperation with State,  
9 local, port, tribal authorities, and other non-  
10 Federal entities (such as colleges and univer-  
11 sities); and

12 “(B) based on the protocols, plan, and  
13 budget published under subsection (a)(1) and  
14 any public comment.”.

15 **SEC. 112. RAPID RESPONSE.**

16 Subtitle C of title I of the Nonindigenous Aquatic  
17 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
18 4721 et seq.) is further amended by adding at the end  
19 the following:

20 **“SEC. 1211. RAPID RESPONSE.**

21 “(a) STATE RAPID RESPONSE CONTINGENCY STRAT-  
22 EGIES.—

23 “(1) EMERGENCY FUNDS FOR RAPID RE-  
24 SPONSE.—A State that has in effect a rapid re-  
25 sponse contingency strategy for invasive species in

1 the State, including rapid assessment capabilities,  
2 that is approved under paragraph (2) shall be eligi-  
3 ble to receive emergency funding to remain available  
4 until expended to implement rapid response meas-  
5 ures for aquatic invasive species under the strategy,  
6 subject to renewal, as determined by the Secretary  
7 of the Interior and the Secretary in accordance with  
8 paragraph (2).

9 “(2) APPROVAL OF RAPID RESPONSE CONTIN-  
10 GENCY STRATEGIES.—The Task Force, in consulta-  
11 tion with the Invasive Species Council, shall approve  
12 a State rapid response contingency strategy de-  
13 scribed in paragraph (1) if the strategy—

14 “(A) identifies all key governmental and  
15 nongovernmental partners to be involved in car-  
16 rying out the strategy;

17 “(B) clearly designates the authorities and  
18 responsibilities of each partner, including the  
19 authority of any State or government of an In-  
20 dian tribe to distribute emergency funds;

21 “(C) specifies criteria for rapid response  
22 measures, including a diagnostic system that—

23 “(i) distinguishes cases in which rapid  
24 response has a likelihood of success and

1 cases in which rapid response has no likeli-  
2 hood of success;

3 “(ii) distinguishes rapid response  
4 measures from ongoing management and  
5 control of established populations of aquat-  
6 ic invasive species; and

7 “(iii) distinguishes instances in which  
8 the rate and probability of organism dis-  
9 persal is significantly altered by vessel  
10 movements;

11 “(D) includes an early detection strategy  
12 that supports or complements the early detec-  
13 tion and monitoring system developed under  
14 section 1106;

15 “(E) provides for a monitoring capability  
16 to assess—

17 “(i) the extent of infestations; and

18 “(ii) the effectiveness of rapid re-  
19 sponse efforts;

20 “(F) to the maximum extent practicable, is  
21 integrated into the State aquatic invasive spe-  
22 cies management plan approved under section  
23 1204;

24 “(G) to the maximum extent possible, does  
25 not use rapid response tools that do not meet

1 environmental criteria developed under sub-  
2 section (e)(4);

3 “(H) includes a public education and out-  
4 reach component directed at—

5 “(i) potential pathways for spread of  
6 aquatic invasive species; and

7 “(ii) persons involved in industries  
8 and recreational activities associated with  
9 those pathways; and

10 “(I) to the extent that the strategy involves  
11 vessels, conforms with guidelines issued by the  
12 Secretary under subsection (c)(2).

13 “(b) REGIONAL RAPID RESPONSE CONTINGENCY  
14 STRATEGIES.—The Task Force, with the concurrence of  
15 the Invasive Species Council and in consultation with the  
16 regional panels of the Task Force established under sec-  
17 tion 1203, shall encourage the development of regional  
18 rapid response contingency strategies that—

19 “(1) provide a consistent and coordinated ap-  
20 proach to rapid response; and

21 “(2) are approved by—

22 “(A) the Secretary; and

23 “(B) the Governors and Indian tribes hav-  
24 ing jurisdiction over areas within a region.

1       “(c) MODEL RAPID RESPONSE CONTINGENCY  
2 STRATEGIES.—Not later than 18 months after the date  
3 of enactment of the Great Lakes Collaboration Implemen-  
4 tation Act—

5           “(1) the Task Force, with the concurrence of  
6 the Invasive Species Council and the regional panels  
7 of the Task Force established under section 1203,  
8 shall develop—

9           “(A) a model State rapid response contin-  
10 gency strategy for aquatic invasive species, in-  
11 cluding rapid assessment capability, that in-  
12 cludes, to the maximum extent practicable, the  
13 components listed under subparagraphs (A)  
14 through (H) of subsection (a)(2); and

15           “(B) a model regional rapid response con-  
16 tingency strategy for aquatic invasive species;  
17 and

18           “(2) the Secretary, in concurrence with the  
19 Task Force and the regional panels, shall issue  
20 guidelines that describe vessel-related requirements  
21 that may be used in a rapid response contingency  
22 strategy, including specific requirements for strategy  
23 approved under this section.

24       “(d) COST SHARING.—

1           “(1) STATE RAPID RESPONSE CONTINGENCY  
2 STRATEGIES.—The Federal share of the cost of ac-  
3 tivities carried out under a State rapid response con-  
4 tingency strategy approved under subsection (a)  
5 shall be not less than 50 percent.

6           “(2) REGIONAL RAPID RESPONSE CONTINGENCY  
7 STRATEGIES.—The Federal share of the cost of ac-  
8 tivities carried out under a regional rapid response  
9 contingency strategy approved under subsection (b)  
10 shall be not less than 75 percent.

11           “(3) IN-KIND CONTRIBUTIONS.—States or re-  
12 gions that receive Federal funds for rapid response  
13 activities may provide matching funds in the form of  
14 in-kind contributions.

15           “(e) FEDERAL RAPID RESPONSE TEAMS.—

16           “(1) ESTABLISHMENT OF TEAMS.—Not later  
17 than 1 year after the date of enactment of the Great  
18 Lakes Collaboration Implementation Act, the  
19 Invasive Species Council, in coordination with the  
20 Task Force and the heads of appropriate Federal  
21 agencies, shall establish a Federal rapid response  
22 team for each of the 10 Federal regions that com-  
23 prise the Standard Federal Regional Boundary Sys-  
24 tem.

1           “(2) DUTIES OF TEAMS.—Each Federal rapid  
2 response team shall, at a minimum—

3           “(A) implement rapid eradication or con-  
4 trol responses for newly detected aquatic  
5 invasive species on Federal and tribal land;

6           “(B) carry out, or assist in carrying out,  
7 rapid responses for newly detected aquatic  
8 invasive species on non-Federal land at the re-  
9 quest of a State, Indian tribe, or group of  
10 States or Indian tribes;

11           “(C) provide training and expertise for  
12 State, tribal, or regional rapid responders;

13           “(D) provide central sources of informa-  
14 tion for rapid responders;

15           “(E) maintain a list of researchers and  
16 rapid response volunteers; and

17           “(F) in carrying out any rapid response  
18 activity with respect to an aquatic noxious weed  
19 listed under section 412(f) of the Plant Protec-  
20 tion Act (7 U.S.C. 7712(f)), include representa-  
21 tives of the Animal and Plant Health Inspection  
22 Service.

23           “(3) CRITERIA FOR IDENTIFYING CASES OF  
24 RAPID RESPONSE WARRANTING FEDERAL ASSIST-  
25 ANCE.—Not later than 1 year after the date of en-

1 actment of the Great Lakes Collaboration Implemen-  
2 tation Act, the Task Force, with the concurrence of  
3 the Invasive Species Council, shall develop criteria to  
4 identify cases of rapid response warranting Federal  
5 assistance under this subsection, including criteria  
6 relating to, at a minimum—

7 “(A) the extent to which infestations of  
8 aquatic invasive species may be managed suc-  
9 cessfully by rapid response;

10 “(B) the extent to which rapid response ef-  
11 forts may differ from ongoing management and  
12 control; and

13 “(C) the extent to which infestations of  
14 nonindigenous aquatic invasive species are con-  
15 sidered to be an acute or chronic threat to—

16 “(i) biodiversity of native fish and  
17 wildlife;

18 “(ii) habitats of native fish and wild-  
19 life; or

20 “(iii) human health.

21 “(4) ENVIRONMENTAL CRITERIA.—Not later  
22 than 1 year after the date of enactment of the Great  
23 Lakes Collaboration Implementation Act, the Ad-  
24 ministrator, in consultation with the Invasive Spe-  
25 cies Council, the Secretary of Transportation, the

1 Task Force (including regional panels of the Task  
2 Force established under section 1203), the Director,  
3 and the Director of the National Marine Fisheries  
4 Service, shall develop environmental criteria to mini-  
5 mize nontarget environmental impacts of rapid re-  
6 sponses carried out pursuant to this section.”.

7 **SEC. 113. ENVIRONMENTAL SOUNDNESS.**

8 Section 1202(k) of the Nonindigenous Aquatic Nui-  
9 sance Prevention and Control Act of 1990 (16 U.S.C.  
10 4722) is amended to read as follows:

11 “(k) IMPROVEMENT OF TREATMENT METHODS FOR  
12 AQUATIC INVASIVE SPECIES.—

13 “(1) CRITERIA TO EVALUATE ENVIRONMENTAL  
14 SOUNDNESS OF TREATMENT METHODS.—

15 “(A) IN GENERAL.—Not later than 1 year  
16 after the date of enactment of the Great Lakes  
17 Collaboration Implementation Act, the Adminis-  
18 trator, in consultation and cooperation with the  
19 Secretary, the Invasive Species Council, and the  
20 Task Force (including any regional panels of  
21 the Task Force) shall promulgate criteria to  
22 evaluate the treatment methods described in  
23 subparagraph (B) for the purpose of ensuring  
24 that the treatment methods pose no significant  
25 threat of adverse effect on human health, public

1 safety, or the environment (including air quality  
2 and the aquatic environment) that is acute,  
3 chronic, cumulative, or collective.

4 “(B) TREATMENT METHODS.—The treat-  
5 ment methods referred to in subparagraph (A)  
6 are all mechanical, physical, chemical, biologi-  
7 cal, and other treatment methods used in bodies  
8 of water of the United States (regardless of  
9 whether the bodies of water are navigable and  
10 regardless of the origin of the waters), to pre-  
11 vent, treat, or respond to the introduction of  
12 aquatic invasive species.

13 “(C) CONSULTATION.—In carrying out  
14 subparagraph (A), the Administrator shall con-  
15 sult with—

- 16 “(i) the Secretary of Transportation;  
17 “(ii) the Task Force (including the re-  
18 gional panels of the Task Force established  
19 under section 1203);  
20 “(iii) the Director;  
21 “(iv) the Assistant Secretary;  
22 “(v) the Director of the National Ma-  
23 rine Fisheries Service; and  
24 “(vi) relevant State agencies.

1           “(2) PUBLICATION OF INFORMATION ON ENVI-  
2           RONMENTALLY SOUND TREATMENT METHODS.—The  
3           Administrator, in consultation with the Invasive Spe-  
4           cies Council, shall publish (not later than 1 year  
5           after the date of enactment of the Great Lakes Col-  
6           laboration Implementation Act) and update annu-  
7           ally—

8                   “(A) a list of environmentally sound treat-  
9                   ment methods that may apply to a potential  
10                  aquatic invasive species response effort;

11                  “(B) accompanying research that supports  
12                  the environmental soundness of each approved  
13                  treatment method; and

14                  “(C) explicit guidelines under which each  
15                  treatment method can be used in an environ-  
16                  mentally sound manner.

17           “(3) REPORTS.—The Invasive Species Council  
18           and Task Force shall include the information de-  
19           scribed in paragraph (2) in the reports submitted  
20           under section 1201(f)(2)(B).”.

21 **SEC. 114. INFORMATION, EDUCATION, AND OUTREACH.**

22           Section 1202(h) of the Nonindigenous Aquatic Nui-  
23           sance Prevention and Control Act of 1990 (16 U.S.C.  
24           4722(h)) is amended—

1           (1) by striking “(h) Education.—The Task  
2 Force” and inserting the following:

3           “(h) INFORMATION, EDUCATION, AND OUTREACH.—

4           “(1) IN GENERAL.—The Task Force”; and

5           (2) by adding at the end the following:

6           “(2) ACTIVITIES.—

7           “(A) IN GENERAL.—The programs carried  
8 out under paragraph (1) shall include the ac-  
9 tivities described in this paragraph.

10          “(B) PUBLIC OUTREACH.—

11          “(i) PUBLIC WARNINGS.—Not later  
12 than 180 days after the date of enactment  
13 of the Great Lakes Collaboration Imple-  
14 mentation Act, each Federal officer of an  
15 agency that provides Federal funds to  
16 States for building or maintaining public  
17 access points to United States water bodies  
18 shall amend the guidelines of the agency,  
19 in consultation with relevant State agen-  
20 cies, to encourage the posting of regionally  
21 specific public warnings or other suitable  
22 informational and educational materials at  
23 the access points regarding—

24           “(I) the danger of spread of  
25           aquatic invasive species through the

1 transport of recreational watercraft;  
2 and

3 “(II) methods for removing orga-  
4 nisms prior to transporting a  
5 watercraft.

6 “(ii) CLEANING OF WATERCRAFT AT  
7 MARINAS.—Not later than 1 year after the  
8 date of enactment of the Great Lakes Col-  
9 laboration Implementation Act, the Under  
10 Secretary and the Director (in cooperation  
11 with the Task Force and in consultation  
12 with the States, relevant industry groups,  
13 and Indian tribes) shall develop an edu-  
14 cation, outreach, and training program di-  
15 rected toward marinas and marina opera-  
16 tors regarding—

17 “(I) checking watercraft for live  
18 organisms;

19 “(II) removing live organisms  
20 from the watercraft before the  
21 watercraft are commercially or  
22 recreationally trailered;

23 “(III) encouraging regular hull  
24 cleaning and maintenance, avoiding  
25 in-water hull cleaning; and

1                   “(IV) other activities, as identi-  
2                   fied by the Secretary.

3                   “(iii) PROPER DISPOSAL OF NON-  
4                   INDIGENOUS LIVE AQUATIC ORGANISMS IN  
5                   TRADE.—The Task Force shall—

6                   “(I) not later than 1 year after  
7                   the date of enactment of the Great  
8                   Lakes Collaboration Implementation  
9                   Act, develop (in consultation with in-  
10                  dustry and other affected parties)  
11                  issue guidelines for proper disposal of  
12                  live nonindigenous aquatic organisms  
13                  in trade; and

14                  “(II) use the guidelines in appro-  
15                  priate public information and out-  
16                  reach efforts.

17                  “(C) 100TH MERIDIAN PROGRAM.—

18                  “(i) IN GENERAL.—Not later than 1  
19                  year after the date of enactment of the  
20                  Great Lakes Collaboration Implementation  
21                  Act, the Task Force shall expand the infor-  
22                  mation and education program directed at  
23                  recreational boaters in States from which  
24                  watercraft are transported westward across  
25                  the 100th meridian.

1                   “(ii) ACTIVITIES.—In carrying out the  
2                   program, the task force shall—

3                   “(I) survey owners of watercraft  
4                   transported westward across the  
5                   100th meridian to determine the  
6                   States of origin of most such owners;

7                   “(II) provide information directly  
8                   to watercraft owners concerning the  
9                   importance of cleaning watercraft car-  
10                  rying live organisms before trans-  
11                  porting the watercraft; and

12                  “(III) support education and in-  
13                  formation programs of the States of  
14                  origin to ensure that the State pro-  
15                  grams address westward spread.

16                  “(D) INFORMATION AND EDUCATION PRO-  
17                  GRAM BY NATIONAL PARK SERVICE.—The Sec-  
18                  retary of the Interior, acting through the Direc-  
19                  tor of the National Park Service, shall develop  
20                  a program to provide public outreach and other  
21                  educational activities to prevent the spread of  
22                  aquatic invasive species by recreational  
23                  watercraft in parkland or through events spon-  
24                  sored by the National Park Service.

1           “(3) OUTREACH TO INDUSTRY.—The Task  
2 Force, in conjunction with the Invasive Species  
3 Council, shall carry out activities to inform and pro-  
4 mote voluntary cooperation and regulatory compli-  
5 ance by members of the national and international  
6 maritime, horticultural, aquarium, aquaculture, and  
7 pet trade industries with screening, monitoring, and  
8 control of the transportation of aquatic invasive spe-  
9 cies.

10           “(4) PUBLIC ACCESS TO MONITORING INFORMA-  
11 TION.—The Task Force, the Invasive Species Coun-  
12 cil, and other relevant agencies, shall maintain infor-  
13 mation on the Internet regarding—

14           “(A) the best approaches for the public  
15 and private interests to use in assisting with  
16 national early detection and monitoring of  
17 aquatic invasive species in waters of the United  
18 States;

19           “(B) contact locations for joining a na-  
20 tional network of monitoring stations;

21           “(C) approved State Management Plans  
22 under section 1204(a) and Rapid Response  
23 Contingency Strategies under sections  
24 1211(a)(2) and 1211(c); and

1           “(D) the list of potential invaders under  
2           section 1201(a)(4).”.

### 3           **CHAPTER 4—COORDINATION**

#### 4   **SEC. 116. PROGRAM COORDINATION.**

5           (a) MEMBERSHIP OF TASK FORCE.—Section 1201(b)  
6 of the Nonindigenous Aquatic Nuisance Prevention and  
7 Control Act of 1990 (16 U.S.C. 4721) is amended—

8           (1) in paragraph (6) by striking “and” at the  
9           end;

10          (2) by redesignating paragraph (7) as para-  
11          graph (12); and

12          (3) by inserting after paragraph (6) the fol-  
13          lowing:

14                 “(7) the Director of the United States Geologi-  
15                 cal Survey;

16                 “(8) the Director of the Smithsonian Environ-  
17                 mental Research Center;

18                 “(9) the Secretary of State;

19                 “(10) the Secretary of Transportation;

20                 “(11) the Secretary of Homeland Security;  
21                 and”.

22          (b) COORDINATION WITH INVASIVE SPECIES COUN-  
23          CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-  
24          sance Prevention and Control Act of 1990 (16 U.S.C.  
25          4721(f)) is amended—

1           (1) by striking “Each Task Force member” and  
2           inserting the following:

3           “(1) IN GENERAL.—Each member of the Task  
4           Force”; and

5           (2) by adding at the end the following:

6           “(2) INVASIVE SPECIES COUNCIL.—The  
7           Invasive Species Council shall—

8                   “(A) coordinate and cooperate with the  
9                   Task Force in carrying out the duties of the  
10                  Invasive Species Council relating to aquatic  
11                  invasive species;

12                   “(B) not later than 2 years after the date  
13                  of enactment of the Great Lakes Collaboration  
14                  Implementation Act, and every 3 years there-  
15                  after, submit to Congress a report that summa-  
16                  rizes the status of the conduct of activities au-  
17                  thorized by and required under this Act; and

18                   “(C) establish any regional panels or task  
19                  forces in coordination with the regional panels  
20                  of the Task Force convened under section  
21                  1203.”.

22           (c) COORDINATION WITH OTHER PROGRAMS.—Sec-  
23           tion 1202(c) of the Nonindigenous Aquatic Nuisance Pre-  
24           vention and Control Act of 1990 (16 U.S.C. 4722(c)) is  
25           amended by adding at the end the following:

1 “(3) RECOMMENDATIONS FOR LISTS.—

2 “(A) IN GENERAL.—The Task Force shall  
3 annually recommend to Federal agencies of ju-  
4 risdiction such additions of aquatic invasive  
5 species as the Task Force determines to be ap-  
6 propriate for inclusion on—

7 “(i) any list of species of wildlife  
8 under the Lacey Act Amendments of 1981  
9 (16 U.S.C. 3371 et seq.) (including regula-  
10 tions under such Act); or

11 “(ii) any list of noxious weeds under  
12 the Plant Protection Act (7 U.S.C. 7701 et  
13 seq.) (including regulations promulgated  
14 under that Act contained in part 360 of  
15 title 7, Code of Federal Regulations (or  
16 any successor regulations)).

17 “(B) PROCESS.—The Task Force may use  
18 the screening process developed pursuant to  
19 section 1105 to identify species pursuant to  
20 subparagraph (A).”.

21 (d) REGIONAL COORDINATION.—Section 1203 of the  
22 Nonindigenous Aquatic Nuisance Prevention and Control  
23 Act of 1990 (16 U.S.C. 4723) is amended by adding at  
24 the end the following:

1       “(d) ANNUAL INTERREGIONAL MEETING.—The Task  
2 Force shall annually convene all regional panels estab-  
3 lished pursuant to this Act for the purpose of information  
4 transfer between and among panels, and between the pan-  
5 els and the Task Force, regarding aquatic invasive species  
6 management.

7       “(e) ORGANIZATIONS.—An interstate organization  
8 that has a Federal charter authorized by law, interstate  
9 agreement, or Executive order for purposes of fisheries or  
10 natural resource management may receive funds under  
11 this Act to implement activities authorized under this  
12 Act.”.

13       (e) STATE AQUATIC INVASIVE SPECIES MANAGE-  
14 MENT PLANS.—Section 1204(a) of the Nonindigenous  
15 Aquatic Nuisance Prevention and Control Act of 1990 (16  
16 U.S.C. 4724(a)) is amended—

17               (1) in paragraph (2)(A) by inserting before the  
18 semicolon at the end the following: “, including, in  
19 accordance with guidelines issued by the Task Force  
20 under paragraph (5)—

21                       “(A) rapid response contingency strategies  
22                       under section 1211;

23                       “(B) early detection strategies under sec-  
24                       tion 1211(a)(2)(D);

1           “(C) aquatic plant control programs pursu-  
2           ant to other law; and

3           “(D) screening of planned introductions  
4           pursuant to section 1105;”.

5           (2) in paragraph (2)(D) by inserting “include”  
6           after “(D)”; and

7           (3) by adding at the end the following:

8           “(5) GUIDELINES.—

9           “(A) IN GENERAL.—Not later than 1 year  
10           after the date of enactment of the Great Lakes  
11           Collaboration Implementation Act, the Task  
12           Force shall publish in the Federal Register  
13           guidelines for the development of plans under  
14           this subsection, including guidelines for report-  
15           ing progress in implementing the plans, to en-  
16           courage consistency in implementation of and  
17           reporting under those plans.

18           “(B) GUIDELINES.—The guidelines pub-  
19           lished under subparagraph (A) shall include, for  
20           the purpose of paragraph (2)(A), guidelines  
21           concerning—

22                   “(i) rapid response contingency strate-  
23                   gies under section 1211;

24                   “(ii) early detection and monitoring  
25                   strategies under section 1211(a)(2)(D);

1 “(iii) aquatic plant control programs;

2 “(iv) screening of planned introduc-  
3 tions pursuant to and consistent with sec-  
4 tion 1105; and

5 “(v) the review and revision of re-  
6 quirements of this subsection and the re-  
7 approval process under this subsection.

8 “(6) RELATIONSHIP TO OTHER PLANS.—

9 “(A) IN GENERAL.—A plan approved  
10 under paragraph (4) shall be deemed to meet  
11 any State planning requirement of the program  
12 established under section 104 of the River and  
13 Harbor Act of 1958 (33 U.S.C. 610) for a plan  
14 to control noxious aquatic plant growths.

15 “(B) ENFORCEMENT.—Funds provided to  
16 States for implementation of plans pursuant to  
17 section 1204 may be used by States to enforce  
18 requirements relating to aquatic invasive species  
19 under the Plant Protection Act (7 U.S.C. 7701  
20 et seq.) (including regulations promulgated  
21 under that Act contained in part 360 of title 7,  
22 Code of Federal Regulations (or any successor  
23 regulations)).

24 “(7) REVIEW AND REVISION.—

1           “(A) IN GENERAL.—Each State shall peri-  
2           odically review and, as necessary and subject to  
3           subparagraph (B), revise the management plan  
4           of the State in accordance with guidelines of  
5           the Task Force under paragraph (5).

6           “(B) UPDATE OF EXISTING PLANS.—A  
7           State plan approved under the section before  
8           the date of the enactment of the National  
9           Aquatic Species Act of 2006 shall be revised by  
10          the State under guidelines issued by the Direc-  
11          tor to conform to the guidelines published  
12          under paragraph (5), but shall be treated as a  
13          plan approved under this subsection for pur-  
14          poses of grants under this section.

15          “(8) OTHER STATE MANAGEMENT PLANS.—In  
16          addition to the management plans required under  
17          this subsection, the Director shall encourage each  
18          State to develop and implement new, and expand ex-  
19          isting, State management plans to improve State ac-  
20          tions to prevent and control aquatic invasive spe-  
21          cies.”.

22          (f) GRANT PROGRAM.—Section 1204(b)(1) of the  
23          Nonindigenous Aquatic Nuisance Prevention and Control  
24          Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-

1 ing “subsection (a) for the implementation of those  
2 plans.” and inserting the following: “subsection (a)—

3 “(A) to develop those plans with a total amount  
4 that does not exceed 10 percent of the amounts  
5 made available for grants under this section for each  
6 fiscal year; and

7 “(B) to implement those plans.”.

8 **SEC. 117. INTERNATIONAL COORDINATION.**

9 Subtitle E of title I of the Nonindigenous Aquatic  
10 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
11 4751 et seq.) is amended—

12 (1) by striking the subtitle heading and insert-  
13 ing the following:

14 **“Subtitle E—Administration”;**

15 and

16 (2) by adding at the end the following:

17 **“SEC. 1402. INTERNATIONAL COORDINATION.**

18 “(a) IN GENERAL.—The Task Force, the Invasive  
19 Species Council, and the Secretary of State shall, to the  
20 maximum extent practicable, coordinate activities to en-  
21 sure that international efforts to prevent and manage  
22 aquatic invasive species (including through the Inter-  
23 national Maritime Organization, the International Con-  
24 vention on the Exploration of the Sea, the Global Invasive  
25 Species Program, and other appropriate programs) are co-

1 ordinated with policies of the United States established by  
2 this Act.

3 “(b) COORDINATION WITH NEIGHBORING COUN-  
4 TRIES.—

5 “(1) IN GENERAL.—The Task Force, in con-  
6 sultation with the Secretary of State, shall include in  
7 the report required by section 1201(f)(2)(B) a de-  
8 scription of the means by which international agree-  
9 ments and regulations with countries that share a  
10 border with the United States will be implemented  
11 and enforced by Federal agencies (including a clari-  
12 fication of the roles and responsibilities of those  
13 agencies).

14 “(2) NEGOTIATIONS.—As soon as practicable  
15 after the date of enactment of the Great Lakes Col-  
16 laboration Implementation Act, the Secretary of  
17 State may enter into negotiations with—

18 “(A) Canada to issue a request that the  
19 International Joint Commission, by not later  
20 than 18 months after the date of enactment of  
21 that Act, review, research, conduct hearings on,  
22 and submit to the parties represented on the  
23 International Joint Commission a report that  
24 describes the success of current policies of gov-  
25 ernments in the United States and Canada hav-

1           ing jurisdiction over the Great Lakes in antici-  
2           pating and preventing biological invasions of  
3           the aquatic ecosystem in the Great Lakes, in-  
4           cluding—

5                   “(i) an analysis of current Federal,  
6                   State or Provincial, local, and international  
7                   laws, enforcement practices, and agree-  
8                   ments;

9                   “(ii) an analysis of prevention efforts  
10                  related to all likely pathways for biological  
11                  invasions of the aquatic ecosystem in the  
12                  Great Lakes; and

13                  “(iii) recommendations of the Inter-  
14                  national Joint Commission for means by  
15                  which to improve and harmonize the poli-  
16                  cies and enforcement practices referred to  
17                  in clause (i); and

18                  “(B) Mexico, to ensure coordination of ef-  
19                  forts of the United States with efforts of Mex-  
20                  ico to manage invasive species established in the  
21                  United States-Mexico border region.”.

1           **CHAPTER 5—AUTHORIZATION OF**  
2                                   **APPROPRIATIONS**

3   **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

4           Section 1301 of the Nonindigenous Aquatic Nuisance  
5   Prevention and Control Act of 1990 (16 U.S.C. 4741) is  
6   amended to read as follows:

7   **“SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

8           “(a) IN GENERAL.—Except as otherwise provided in  
9   this section, there are authorized to be appropriated such  
10   sums as are necessary to carry out this Act for each of  
11   fiscal years 2010 through 2014.

12           “(b) TASK FORCE AND AQUATIC NUISANCE SPECIES  
13   PROGRAM.—There are authorized to be appropriated for  
14   each of fiscal years 2010 through 2014—

15                   “(1) \$8,000,000, to carry out activities of the  
16   Task Force under section 1202, of which—

17                           “(A) \$4,000,000 shall be used by the Di-  
18   rector;

19                           “(B) \$3,000,000 shall be used by the Na-  
20   tional Oceanic and Atmospheric Administration;  
21   and

22                           “(C) \$1,000,000 shall be used by the  
23   Invasive Species Council;

24                   “(2) \$30,000,000, to provide grants under sec-  
25   tion 1204(b);

1           “(3) \$3,000,000, to provide assistance to the  
2 regional panels of the Task Force; and

3           “(4) \$1,000,000, to be used by the Director to  
4 carry out section 1105(g).

5           “(c) INTERNATIONAL COORDINATION.—There is au-  
6 thorized to be appropriated to the Department of State  
7 to carry out section 1403 \$1,000,000 for each of fiscal  
8 years 2010 through 2014.

9           “(d) PREVENTION OF INTRODUCTION BY VESSELS  
10 OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE  
11 UNITED STATES.—There are authorized to be appro-  
12 priated for each of fiscal years 2010 through 2014—

13           “(1) \$6,000,000, to be used by the Secretary to  
14 carry out section 1101;

15           “(2) \$2,500,000, to be used by the Adminis-  
16 trator to carry out section 1101; and

17           “(3) \$2,750,000, to be used by the Task Force  
18 to carry out section 1101, of which—

19           “(A) \$1,500,000 shall be used by the Di-  
20 rector; and

21           “(B) \$1,250,000 shall be used by the Na-  
22 tional Oceanic and Atmospheric Administration.

23           “(e) PREVENTION OF THE INTRODUCTION BY NON-  
24 VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO  
25 WATERS OF THE UNITED STATES.—There are authorized

1 to be appropriated for each of fiscal years 2010 through  
2 2014—

3 “(1) \$5,000,000, to carry out the priority path-  
4 way management program under section 1210, of  
5 which—

6 “(A) \$2,000,000 shall be used by the Na-  
7 tional Oceanic and Atmospheric Administration;  
8 and

9 “(B) \$3,000,000 shall be used by the Di-  
10 rector;

11 “(2) \$1,000,000, to be used by the Invasive  
12 Species Council to establish screening guidelines  
13 under section 1105(b); and

14 “(3) \$3,500,000, to be used by the Director to  
15 promulgate and implement screening requirements  
16 under section 1105(g).

17 “(f) EARLY DETECTION AND MONITORING.—There  
18 are authorized to be appropriated, to carry out early detec-  
19 tion, monitoring, and survey planning and implementation  
20 under section 1106, \$2,000,000 for each of fiscal years  
21 2010 and 2011 and \$10,000,000 for each of fiscal years  
22 2012 through 2014, of which—

23 “(1) for each of fiscal years 2010 and 2011—

1           “(A) \$1,000,000 shall be used by the Na-  
2           tional Oceanic and Atmospheric Administration;  
3           and

4           “(B) \$1,000,000 shall be used by the Di-  
5           rector; and

6           “(2) for each of fiscal years 2012 through  
7           2014—

8           “(A) \$5,000,000 shall be used by the Na-  
9           tional Oceanic and Atmospheric Administration;  
10          and

11          “(B) \$5,000,000 shall be used by the Di-  
12          rector.

13          “(g) RAPID RESPONSE AND ENVIRONMENTAL  
14          SOUNDNESS.—

15          “(1) RAPID RESPONSE.—There are authorized  
16          to be appropriated for each of fiscal years 2010  
17          through 2014—

18                 “(A) \$25,000,000, to the rapid response  
19                 fund of the Secretary of the Interior established  
20                 under section 1211;

21                 “(B) \$1,000,000, to be used by the  
22                 Invasive Species Council in developing the State  
23                 and regional rapid response contingency strat-  
24                 egy under section 1211; and

1           “(C) \$1,500,000, to be used for Federal  
2 rapid response teams under section 1211(e), of  
3 which—

4           “(i) \$500,000 shall be used by the  
5 National Oceanic and Atmospheric Admin-  
6 istration; and

7           “(ii) \$1,000,000 shall be used by the  
8 Director.

9           “(2) ENVIRONMENTAL SOUNDNESS.—There is  
10 authorized to be appropriated for establishment  
11 under section 1202(k) of criteria for the improve-  
12 ment of treatment methods for aquatic invasive spe-  
13 cies \$600,000 for each of fiscal years 2010 through  
14 2014.

15           “(h) INFORMATION, EDUCATION, AND OUTREACH.—  
16 There are authorized to be appropriated for each of fiscal  
17 years 2010 through 2014—

18           “(1) \$500,000, to be used by the Secretary of  
19 the Interior to carry out the information and edu-  
20 cation program under section 1202(h)(2)(D);

21           “(2) \$750,000, to be used by the Director in  
22 carrying out the 100th meridian program under sec-  
23 tion 1202(h)(2)(C);

1           “(3) \$2,000,000, to be used to carry out infor-  
2           mational and educational activities of the Task  
3           Force under section 1202(h), of which—

4                   “(A) \$1,000,000 shall be used by the Na-  
5           tional Oceanic and Atmospheric Administration;  
6           and

7                   “(B) \$1,000,000 shall be used by the Di-  
8           rector; and

9                   “(4) \$500,000, to be used by the National Oce-  
10          anic and Atmospheric Administration to carry out  
11          section 1202(h)(2)(B)(ii).”.

## 12   **CHAPTER 6—CONFORMING AMENDMENTS**

### 13   **SEC. 126. CONFORMING AMENDMENTS.**

14          (a) IN GENERAL.—The Nonindigenous Aquatic Nui-  
15          sance Prevention and Control Act of 1990 is amended—

16                  (1) in section 1101 (16 U.S.C. 4711) by strik-  
17          ing the section heading and inserting the following:

18          **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**  
19                  **INVASIVE SPECIES INTO WATERS OF THE**  
20                  **UNITED STATES BY VESSELS.”;**

21                  (2) in section 1102 (16 U.S.C. 4712)—

22                          (A) in subsection (a) by striking the sub-  
23          section heading and inserting the following:

24          **“(a) STUDIES ON INTRODUCTION OF AQUATIC**  
25          **INVASIVE SPECIES BY VESSELS.—”;** and

1 (B) in subsection (b)—

2 (i) by striking paragraph (1); and

3 (ii) by redesignating paragraphs (2)

4 and (3) as paragraphs (1) and (2), respec-

5 tively;

6 (3) in subtitle C (16 U.S.C. 4721 et seq.) by

7 striking the subtitle heading and inserting the fol-

8 lowing:

9 **“Subtitle C—Prevention and Con-**  
10 **trol of Aquatic Invasive Species**  
11 **Dispersal”;**

12 (4) in section 1201(a) (16 U.S.C. 4721(a)) by

13 striking “Nuisance Species” and inserting “Invasive

14 Species”;

15 (5) in section 1202 (16 U.S.C. 4722) by strik-

16 ing the section heading and inserting the following:

17 **“SEC. 1202. AQUATIC INVASIVE SPECIES PROGRAM.”;**

18 (6) in section 1204 (16 U.S.C. 4724) by strik-

19 ing the section heading and inserting the following:

20 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-**

21 **MENT PLANS.”;**

22 and

23 (7) by striking “aquatic nuisance species” each

24 place it appears and inserting “aquatic invasive spe-

25 cies”.

1 (b) SHORT TITLE.—(1) Section 1001 of the Non-  
2 indigenous Aquatic Nuisance Prevention and Control Act  
3 of 1990 (16 U.S.C. 4701) is amended by striking “Non-  
4 indigenous Aquatic Nuisance” and inserting “Nonindige-  
5 nous Aquatic Invasive Species”.

6 (2) REFERENCES.—Any reference in a law, map, reg-  
7 ulation, document, paper, or other record of the United  
8 States to the Nonindigenous Aquatic Nuisance Prevention  
9 and Control Act of 1990 shall be deemed to be a reference  
10 to the Nonindigenous Aquatic Invasive Species Prevention  
11 and Control Act of 1990.

12 **Subtitle B—Aquatic Invasive**  
13 **Species Research**

14 **SEC. 141. FINDINGS.**

15 The Congress makes the following findings:

16 (1) Aquatic invasive species damage infrastruc-  
17 ture, disrupt commerce, outcompete native species,  
18 reduce biodiversity, and threaten human health.

19 (2) The direct and indirect costs of aquatic  
20 invasive species to our Nation’s economy number in  
21 the billions of dollars per year.

22 (3) Recent studies have shown that, in addition  
23 to economic damage, invasive species cause enor-  
24 mous environmental damage, and have cited invasive

1 species as the second leading threat to endangered  
2 species.

3 (4) Over the past 200 years, the rate of de-  
4 tected marine and freshwater invasions in North  
5 America has increased exponentially.

6 (5) The rate of invasions continues to grow  
7 each year.

8 (6) Marine and freshwater research underlies  
9 every aspect of detecting, preventing, controlling,  
10 and eradicating invasive species, educating citizens  
11 and stakeholders, and restoring ecosystems.

12 (7) Current Federal efforts, including research  
13 efforts, have focused primarily on controlling estab-  
14 lished invasive species, which is both costly and often  
15 unsuccessful. An emphasis on research, development,  
16 and demonstration to support efforts to prevent  
17 invasive species or eradicate them upon entry into  
18 United States waters would likely result in a more  
19 cost-effective and successful approach to combating  
20 invasive species through preventing initial introduc-  
21 tion.

22 (8) Research, development, and demonstration  
23 to support prevention and eradication includes moni-  
24 toring of both pathways and ecosystems to track the  
25 introduction and establishment of nonnative species,

1 and development and testing of technologies to pre-  
2 vent introduction through known pathways.

3 (9) Therefore, Congress finds that it is in the  
4 United States interest to conduct a comprehensive  
5 and thorough research, development, and demonstra-  
6 tion program on aquatic invasive species in order to  
7 better understand how aquatic invasive species are  
8 introduced and become established and to support  
9 efforts to prevent the introduction and establishment  
10 of, and to eradicate, these species.

11 **SEC. 142. DEFINITIONS.**

12 In this Act:

13 (1) **ADMINISTERING AGENCIES.**—The term “ad-  
14 ministering agencies” means—

15 (A) the National Oceanic and Atmospheric  
16 Administration (including the Great Lakes En-  
17 vironmental Research Laboratory);

18 (B) the Smithsonian Institution (acting  
19 through the Smithsonian Environmental Re-  
20 search Center); and

21 (C) the United States Geological Survey.

22 (2) **AQUATIC ECOSYSTEM.**—The term “aquatic  
23 ecosystem” means a freshwater, marine, or estuarine  
24 environment (including inland waters, riparian  
25 areas, and wetlands) located in the United States.

1           (3) BALLAST WATER.—The term “ballast  
2 water” means any water (with its suspended matter)  
3 used to maintain the trim and stability of a vessel.

4           (4) INVASION.—The term “invasion” means the  
5 introduction and establishment of an invasive species  
6 into an ecosystem beyond its historic range.

7           (5) INVASIVE SPECIES.—The term “invasive  
8 species” means a species—

9                   (A) that is nonnative to the ecosystem  
10 under consideration; and

11                   (B) whose introduction causes or may  
12 cause harm to the economy, the environment, or  
13 human health.

14           (6) INVASIVE SPECIES COUNCIL.—The term  
15 “Invasive Species Council” means the council estab-  
16 lished by section 3 of Executive Order No. 13112  
17 (42 U.S.C. 4321 note).

18           (7) PATHWAY.—The term “pathway” means 1  
19 or more routes by which an invasive species is trans-  
20 ferred from one ecosystem to another.

21           (8) SPECIES.—The term “species” means any  
22 fundamental category of taxonomic classification or  
23 any viable biological material ranking below a genus  
24 or subgenus.

1           (9) **TASK FORCE.**—The term “Task Force”  
2 means the Aquatic Nuisance Species Task Force es-  
3 tablished by section 1201(a) of the Nonindigenous  
4 Aquatic Nuisance Prevention and Control Act of  
5 1990 (16 U.S.C. 4721(a)).

6           (10) **TYPE APPROVAL.**—The term “type ap-  
7 proval” means an approval procedure under which a  
8 type of system is certified as meeting a standard es-  
9 tablished pursuant to Federal law for a particular  
10 application.

11 **SEC. 143. COORDINATION AND IMPLEMENTATION.**

12           (a) **COORDINATION.**—In carrying out this Act, the  
13 administering agencies shall coordinate with—

14           (1) appropriate State agencies;

15           (2) the Fish and Wildlife Service, the Environ-  
16 mental Protection Agency, and other appropriate  
17 Federal agencies; and

18           (3) the Task Force and Invasive Species Coun-  
19 cil.

20           (b) **IMPLEMENTATION.**—The administering agencies  
21 shall enter into a memorandum of understanding regard-  
22 ing the implementation of this Act, which shall include the  
23 coordination required by subsection (a).

1 (c) COOPERATION.—In carrying out this Act, the ad-  
2 ministering agencies shall contract, as appropriate, or oth-  
3 erwise cooperate with academic researchers.

4 (d) STRUCTURE.—To the extent practicable, the ad-  
5 ministering agencies shall carry out this Act working with-  
6 in the organizational structure of the Task Force and  
7 Invasive Species Council.

8 **SEC. 144. ECOLOGICAL AND PATHWAY RESEARCH.**

9 (a) IN GENERAL.—The administering agencies shall  
10 develop and conduct a marine and fresh-water research  
11 program which shall include ecological and pathway sur-  
12 veys and experimentation to detect nonnative aquatic spe-  
13 cies in aquatic ecosystems and to assess rates and patterns  
14 of introductions of nonnative aquatic species in aquatic  
15 ecosystems. The goal of this marine and freshwater re-  
16 search program shall be to support efforts to prevent the  
17 introduction of, detect, and eradicate invasive species  
18 through informing early detection and rapid response ef-  
19 forts, informing relevant policy decisions, and assessing  
20 the effectiveness of implemented policies to prevent the in-  
21 troduction and spread of aquatic invasive species. Surveys  
22 and experiments under this subsection shall be commenced  
23 not later than 18 months after the date of the enactment  
24 of this Act.

1           (b) **PROTOCOL DEVELOPMENT.**—The administering  
2 agencies shall establish standardized protocols for con-  
3 ducting ecological and pathway surveys of nonnative  
4 aquatic species under subsection (a) that are integrated  
5 and produce comparable data. Protocols shall, as prac-  
6 ticable, be integrated with existing protocols and data col-  
7 lection methods. In developing the protocols under this  
8 subsection, the administering agencies shall draw on the  
9 recommendations gathered at the workshop under sub-  
10 section (g). The protocols shall be peer reviewed, and re-  
11 vised as necessary. Protocols shall be completed within 1  
12 year after the date of the enactment of this Act.

13           (c) **ECOLOGICAL AND PATHWAY SURVEY REQUIRE-**  
14 **MENTS.**—(1) Each ecological survey conducted under sub-  
15 section (a) shall, at a minimum—

16               (A) document baseline ecological information of  
17 the aquatic ecosystem including, to the extent prac-  
18 ticable, a comprehensive inventory of native species,  
19 nonnative species, and species of unknown origin  
20 present in the ecosystem, as well as the chemical  
21 and physical characteristics of the water and under-  
22 lying substrate;

23               (B) for nonnative species, gather information to  
24 assist in identifying their life history, environmental  
25 requirements and tolerances, the historic range of

1 their native ecosystems, and their history of spread-  
2 ing from their native ecosystems;

3 (C) track the establishment of nonnative species  
4 including information about the estimated abun-  
5 dance of nonnative organisms in order to allow an  
6 analysis of the probable date of introduction of the  
7 species; and

8 (D) identify the likely pathway of entry of non-  
9 native species.

10 (2) Each pathway survey conducted under this sec-  
11 tion shall, at a minimum—

12 (A) identify what nonnative aquatic species are  
13 being introduced or may be introduced through the  
14 pathways under consideration;

15 (B) determine the quantities of organisms being  
16 introduced through the pathways under consider-  
17 ation; and

18 (C) determine the practices that contributed to  
19 or could contribute to the introduction of nonnative  
20 aquatic species through the pathway under consider-  
21 ation.

22 (d) NUMBER AND LOCATION OF SURVEY SITES.—  
23 The administering agencies shall designate the number  
24 and location of survey sites necessary to carry out marine  
25 and freshwater research required under this section. In

1 establishing sites under this subsection or subsection (e),  
2 emphasis shall be on the geographic diversity of sites, as  
3 well as the diversity of the human uses and biological char-  
4 acteristics of sites.

5 (e) COMPETITIVE GRANT PROGRAM.—The National  
6 Oceanic and Atmospheric Administration and the United  
7 States Geological Survey shall jointly administer a pro-  
8 gram to award competitive, peer-reviewed grants to aca-  
9 demic institutions, State agencies, and other appropriate  
10 groups, in order to assist in carrying out subsection (a),  
11 and shall include to the maximum extent practicable di-  
12 verse institutions, including Historically Black Colleges  
13 and Universities and those serving large proportions of  
14 Hispanics, Native Americans, Asian-Pacific Americans, or  
15 other underrepresented populations.

16 (f) SHIP PATHWAY SURVEYS.—Section  
17 1102(b)(2)(B)(ii) of the Nonindigenous Aquatic Nuisance  
18 Prevention and Control Act of 1990 (16 U.S.C.  
19 4712(b)(2)(B)(ii)) is amended to read as follows:

20 “(ii) examine other potential modes  
21 for the introduction of nonnative aquatic  
22 species by ship, including hull fouling.”.

23 (g) WORKSHOP.—In order to support the develop-  
24 ment of the protocols and design for the surveys under  
25 subsections (b) and (c), and to determine how to obtain

1 consistent, comparable data across a range of ecosystems,  
2 the administering agencies shall convene at least one  
3 workshop with appropriate researchers and representa-  
4 tives involved in the management of aquatic invasive spe-  
5 cies from Federal and State agencies and academic insti-  
6 tutions to gather recommendations. The administering  
7 agencies shall make the results of the workshop widely  
8 available to the public. The workshop shall be held within  
9 180 days after the date of the enactment of this Act.

10 (h) EXPERIMENTATION.—The administering agen-  
11 cies shall conduct research to identify the relationship be-  
12 tween the introduction and establishment of nonnative  
13 aquatic species, including those legally introduced, and the  
14 circumstances necessary for those species to become  
15 invasive.

16 (i) NATIONAL PATHWAY AND ECOLOGICAL SURVEYS  
17 DATABASE.—

18 (1) IN GENERAL.—The United States Geologi-  
19 cal Survey shall develop, maintain, and update, in  
20 consultation and cooperation with the Smithsonian  
21 Institution (acting through the Smithsonian Envi-  
22 ronmental Research Center), the National Oceanic  
23 and Atmospheric Administration, and the Task  
24 Force, a central, national database of information  
25 concerning information collected under this section.

- 1           (2) REQUIREMENTS.—The database shall—
- 2                   (A) be widely available to the public;
- 3                   (B) be updated not less than once a quar-
- 4           ter;
- 5                   (C) be coordinated with existing databases,
- 6           both domestic and foreign, collecting similar in-
- 7           formation; and
- 8                   (D) be, to the maximum extent practicable,
- 9           formatted such that the data is useful for both
- 10          researchers and Federal and State employees
- 11          managing relevant invasive species programs.

12 **SEC. 145. ANALYSIS.**

13       (a) INVASION ANALYSIS.—

- 14           (1) IN GENERAL.—Not later than 3 years after
- 15          the date of the enactment of this Act, and every year
- 16          thereafter, the administering agencies shall analyze
- 17          data collected under section 144 and other relevant
- 18          research on the rates and patterns of invasions by
- 19          aquatic invasive species in waters of the United
- 20          States. The purpose of this analysis shall be to use
- 21          the data collected under section 144 and other rel-
- 22          evant research to support efforts to prevent the in-
- 23          troduction of, detect, and eradicate invasive species
- 24          through informing early detection and rapid re-
- 25          sponse efforts, informing relevant policy decisions,

1 and assessing the effectiveness of implemented poli-  
2 cies to prevent the introduction and spread of  
3 invasive species.

4 (2) CONTENTS.—The analysis required under  
5 paragraph (1) shall include with respect to aquatic  
6 invasive species—

7 (A) an analysis of pathways, including—

8 (i) identifying, and characterizing as  
9 high, medium, or low risk, pathways re-  
10 gionally and nationally;

11 (ii) identifying new and expanding  
12 pathways;

13 (iii) identifying handling practices  
14 that contribute to the introduction of spe-  
15 cies in pathways; and

16 (iv) assessing the risk that species le-  
17 gally introduced into the United States  
18 pose for introduction into aquatic eco-  
19 systems;

20 (B) patterns and rates of invasion and sus-  
21 ceptibility to invasion of various bodies of  
22 water;

23 (C) how the risk of establishment through  
24 a pathway is related to the identity and number  
25 of organisms transported;

1 (D) rates of spread and numbers and types  
2 of pathways of spread of new populations of the  
3 aquatic invasive species and an estimation of  
4 the potential spread and distribution of newly  
5 introduced invasive species based on their envi-  
6 ronmental requirements and historical distribu-  
7 tion;

8 (E) documentation of factors that influ-  
9 ence an ecosystem's vulnerability to a nonnative  
10 aquatic species becoming invasive;

11 (F) a description of the potential for, and  
12 impacts of, pathway management programs on  
13 invasion rates;

14 (G) recommendations for improvements in  
15 the effectiveness of pathway management;

16 (H) to the extent practical, a determina-  
17 tion of the level of reduction in live organisms  
18 of various taxonomic groups required to reduce  
19 the risk of establishment to receiving aquatic  
20 ecosystems to an acceptable level; and

21 (I) an evaluation of the effectiveness of  
22 management actions (including any standard)  
23 at preventing nonnative species introductions  
24 and establishment.

1           (b) RESEARCH TO ASSESS THE POTENTIAL OF THE  
2 ESTABLISHMENT OF INTRODUCED SPECIES.—Within 2  
3 years after the date of the enactment of this Act, the ad-  
4 ministering agencies shall develop a profile, based on the  
5 general characteristics of invasive species and vulnerable  
6 ecosystems, in order to predict, to the extent practical,  
7 whether a species planned for importation is likely to in-  
8 vade a particular aquatic ecosystem if introduced. In de-  
9 veloping the profile, the above agencies shall analyze the  
10 research conducted under section 144, and other research  
11 as necessary, to determine general species and ecosystem  
12 characteristics (taking into account the opportunity for in-  
13 troduction into any ecosystem) and circumstances that can  
14 lead to establishment. Based on the profile, the Task  
15 Force shall make recommendations to the Invasive Species  
16 Council as to what planned importations of nonnative  
17 aquatic organisms should be restricted. This profile shall  
18 be peer-reviewed.

19           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated for carrying out this sec-  
21 tion and section 144, and section 1102(b)(2) of the Non-  
22 indigenous Aquatic Nuisance Prevention and Control Act  
23 of 1990 (16 U.S.C. 4712(b)(2)) for each of the fiscal years  
24 2010 through 2014—

1           (1) \$4,000,000 for the Smithsonian Environ-  
2           mental Research Center;

3           (2) \$11,000,000 for the United States Geologi-  
4           cal Survey (including activities through the Coopera-  
5           tive Fish and Wildlife Research Program), of which  
6           \$6,500,000 shall be for the grant program under  
7           section 144(e), and of which \$500,000 shall be for  
8           developing, maintaining, and updating the database  
9           under section 144(i); and

10          (3) \$10,500,000 for the National Oceanic and  
11          Atmospheric Administration, of which \$6,500,000  
12          shall be for the grant program under section 144(e).

13 **SEC. 146. DISSEMINATION.**

14          (a) IN GENERAL.—The Invasive Species Council, in  
15          coordination with the Task Force and the administering  
16          agencies, shall be responsible for disseminating the infor-  
17          mation collected under this Act to the public, including  
18          Federal, State, and local entities, relevant policymakers,  
19          and private researchers with responsibility over or interest  
20          in aquatic invasive species.

21          (b) REPORT TO CONGRESS.—Not later than 3 years  
22          after the date of the enactment of this Act, the Invasive  
23          Species Council shall report actions and findings under  
24          section 145 to the Congress, and shall update this report  
25          once every 3 years thereafter, or more often as necessary.

1           (c) RESPONSE STRATEGY.—The Invasive Species  
2 Council, in coordination with the Task Force, the admin-  
3 istering agencies, and other appropriate Federal and State  
4 agencies, shall develop and implement a national strategy  
5 for how information collected under this Act will be shared  
6 with Federal, State, and local entities with responsibility  
7 for determining response to the introduction of potentially  
8 invasive aquatic species, to enable those entities to better  
9 and more rapidly respond to such introductions.

10          (d) PATHWAY PRACTICES.—The Invasive Species  
11 Council, in coordination with the Task Force and the ad-  
12 ministering agencies, shall disseminate information to,  
13 and develop an ongoing educational program for, pathway  
14 users (including vendors and customers) on how their  
15 practices could be modified to prevent the intentional or  
16 unintentional introduction of nonnative aquatic species  
17 into aquatic ecosystems.

18          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to the Secretary of the  
20 Interior for each of the fiscal years 2010 through 2014  
21 \$500,000 for the Invasive Species Council for carrying out  
22 this section.

1 **SEC. 147. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,**  
2 **AND VERIFICATION.**

3 (a) ENVIRONMENTALLY SOUND TECHNOLOGY DE-  
4 VELOPMENT, DEMONSTRATION, AND VERIFICATION.—

5 (1) GRANT PROGRAM.—Not later than 1 year  
6 after the date of the enactment of this Act, the En-  
7 vironmental Protection Agency, acting through the  
8 Office of Research and Development, in consultation  
9 with the Army Corps of Engineers, the admin-  
10 istering agencies, and the Task Force, shall develop  
11 and begin administering a grant program to fund re-  
12 search, development, demonstration, and verification  
13 of environmentally sound cost-effective technologies  
14 and methods to control and eradicate aquatic  
15 invasive species.

16 (2) PURPOSES.—Proposals funded under this  
17 subsection shall—

18 (A) seek to support Federal, State, or local  
19 officials' ongoing efforts to control and eradi-  
20 cate aquatic invasive species in an environ-  
21 mentally sound manner;

22 (B) increase the number of environ-  
23 mentally sound technologies or methods Fed-  
24 eral, State, or local officials may use to control  
25 or eradicate aquatic invasive species;

1 (C) provide for demonstration or dissemi-  
2 nation of the technology or method to potential  
3 end-users; and

4 (D) verify that any technology or method  
5 meets any appropriate criteria developed for ef-  
6 fectiveness and environmental soundness by the  
7 Environmental Protection Agency.

8 (3) PREFERENCE.—The Administrator of the  
9 Environmental Protection Agency shall give pref-  
10 erence to proposals that will likely meet any appro-  
11 priate criteria developed for environmental sound-  
12 ness by the Environmental Protection Agency.

13 (4) MERIT REVIEW.—Grants shall be awarded  
14 under this subsection through a competitive, peer-re-  
15 viewed process.

16 (5) REPORT.—Not later than 3 years after the  
17 date of the enactment of this Act, the Administrator  
18 of the Environmental Protection Agency shall pre-  
19 pare and submit a report to Congress on the pro-  
20 gram conducted under this subsection. The report  
21 shall include findings and recommendations of the  
22 Administrator with regard to technologies and meth-  
23 ods.

24 (b) SHIP PATHWAY TECHNOLOGY DEMONSTRA-  
25 TION.—

1           (1) REAUTHORIZATION OF PROGRAM.—Section  
2           1301(e) of the Nonindigenous Aquatic Nuisance  
3           Prevention and Control Act of 1990 (16 U.S.C.  
4           4741(e)) is amended by striking “\$2,500,000” and  
5           inserting “\$7,500,000 for each of the fiscal years  
6           2010 through 2014”.

7           (2) EXPANSION OF PROGRAM.—Section 1104(b)  
8           of the Nonindigenous Aquatic Nuisance Prevention  
9           and Control Act of 1990 (16 U.S.C. 4714(b)) is  
10          amended—

11                   (A) by redesignating paragraphs (4) and  
12                   (5) as paragraphs (5) and (6), respectively; and

13                   (B) by inserting after paragraph (3) the  
14                   following new paragraph:

15                   “(4) ADDITIONAL PURPOSES.—The Secretary  
16                   of the Interior and the Secretary of Commerce may  
17                   also demonstrate and verify technologies under this  
18                   subsection to monitor and control pathways of orga-  
19                   nism transport on ships other than through ballast  
20                   water.”.

21           (3) CRITERIA AND WORKSHOP.—Section 1104  
22           of the Nonindigenous Aquatic Nuisance Prevention  
23           and Control Act of 1990 (16 U.S.C. 4714) is  
24           amended by adding at the end the following new  
25           subsections:

1       “(d) CRITERIA.—When issuing grants under this sec-  
2 tion, the National Oceanic and Atmospheric Administra-  
3 tion shall give preference to those technologies that will  
4 likely meet the criteria laid out in any testing protocol de-  
5 veloped by the Environmental Protection Agency Office of  
6 Research and Development’s Environmental Technology  
7 Verification Program.

8       “(e) WORKSHOP.—The National Oceanic and Atmos-  
9 pheric Administration shall hold an annual workshop of  
10 principal investigators funded under this section and re-  
11 searchers conducting research directly related to ship  
12 pathway technology development, for information ex-  
13 change, and shall make the proceedings widely available  
14 to the public.”.

15       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated for each of the fiscal  
17 years 2010 through 2014 \$2,500,000 for the Environ-  
18 mental Protection Agency to carry out subsection (a).

19 **SEC. 148. RESEARCH TO SUPPORT THE SETTING AND IM-**  
20 **PLEMENTATION OF SHIP PATHWAY STAND-**  
21 **ARDS.**

22       (a) RESEARCH PROGRAM.—The Coast Guard and the  
23 Environmental Protection Agency, in coordination with  
24 the National Oceanic and Atmospheric Administration,  
25 the Task Force, and other appropriate Federal agencies

1 and academic researchers, shall develop a coordinated re-  
2 search program to support the promulgation and imple-  
3 mentation of standards to prevent the introduction and  
4 spread of invasive species by ships that shall include—

5           (1) characterizing physical, chemical, and bio-  
6           logical harbor conditions relevant to ballast dis-  
7           charge into United States waters to inform the de-  
8           sign and implementation of ship vector control tech-  
9           nologies and practices;

10           (2) developing testing protocols for determining  
11           the effectiveness of vector monitoring and control  
12           technologies and practices;

13           (3) researching and demonstrating methods for  
14           mitigating the spread of invasive species by coastal  
15           voyages, including exploring the effectiveness of al-  
16           ternative exchange zones in the near coastal areas  
17           and other methods proposed to reduce transfers of  
18           organisms;

19           (4) verifying the practical effectiveness of any  
20           type approval process to ensure that the process pro-  
21           duces repeatable and accurate assessments of treat-  
22           ment effectiveness; and

23           (5) evaluating the effectiveness and residual  
24           risk and environmental impacts associated with any

1 standard set with respect to the ship pathway  
2 through experimental research.

3 (b) WORKING GROUP.—Not later than 2 years after  
4 the issuance by the Coast Guard of any standard relating  
5 to the introduction by ships of invasive species, the Coast  
6 Guard shall convene a working group including the Envi-  
7 ronmental Protection Agency, the administering agencies,  
8 and other appropriate Federal and State agencies and aca-  
9 demic researchers, to evaluate the effectiveness of that  
10 standard and accompanying implementation protocols.  
11 The duties of the working group shall, at a minimum, in-  
12 clude—

13 (1) reviewing the effectiveness of the standard  
14 in reducing the establishment of invasive species in  
15 aquatic ecosystems, taking into consideration the  
16 data collected under section 144; and

17 (2) developing recommendations to the Coast  
18 Guard for the revision of such standard and type ap-  
19 proval process to ensure effectiveness in reducing in-  
20 troductions and accurate shipboard monitoring of  
21 treatment performance that is simple and stream-  
22 lined, which shall be made widely available to the  
23 public.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated for each of the fiscal

1 years 2010 through 2014 \$1,500,000 for the Coast Guard  
2 and \$1,500,000 for the Environmental Protection Agency  
3 to carry out subsection (a).

4 **SEC. 149. RESEARCH IN SYSTEMATICS AND TAXONOMY.**

5 (a) IN GENERAL.—The National Science Foundation  
6 shall establish a program to award grants to researchers  
7 at institutions of higher education and museums to carry  
8 out research programs in systematics and taxonomy.

9 (b) GOALS.—The goals of the program under this  
10 section are to—

11 (1) encourage scientists to pursue careers in  
12 systematics and taxonomy to ensure a continuing  
13 knowledge base in these disciplines;

14 (2) ensure that there will be adequate expertise  
15 in systematics and taxonomy to support Federal,  
16 State, and local needs to identify species;

17 (3) develop this expertise throughout the United  
18 States with an emphasis on regional diversity; and

19 (4) draw on existing expertise in systematics  
20 and taxonomy at institutions of higher education  
21 and museums to train the next generation of system-  
22 atists and taxonomists.

23 (c) CRITERIA.—Grants shall be awarded under this  
24 section on a merit-reviewed competitive basis. Emphasis  
25 shall be placed on funding proposals in a diverse set of

1 ecosystems and geographic locations, and, when applica-  
2 ble, integrated with the United States Long Term Ecologi-  
3 cal Research Network. Preference shall be given to pro-  
4 posals that will include student participation, and to insti-  
5 tutions and museums that actively train students to be-  
6 come experts in taxonomy and systematics.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to the National Science  
9 Foundation for carrying out this section \$2,500,000 for  
10 each of the fiscal years 2010 through 2014.

11 **SEC. 150. STATE PROGRAMS.**

12 (a) PLAN.—The administering agencies, in coopera-  
13 tion with the appropriate State agencies, shall develop a  
14 plan to—

15 (1) conduct a survey of methods States and  
16 Federal agencies are using to control or eradicate  
17 aquatic invasive species;

18 (2) facilitate the exchange of information  
19 among States and Federal agencies on methods  
20 States or Federal agencies have found to be effective  
21 at controlling or eradicating aquatic invasive species  
22 and the costs of those methods; and

23 (3) evaluate the cost-effectiveness of the various  
24 methods States and Federal agencies are using to  
25 control or eradicate aquatic invasive species.

1 (b) REPORT.—Not later than one year after the date  
2 of enactment of this Act, the administering agencies shall  
3 jointly transmit to the Congress the plan described in sub-  
4 section (a) and the expected costs of carrying out the plan.

5 **Subtitle C—Invasive Species**  
6 **Council**

7 **SEC. 161. SHORT TITLE.**

8 This subtitle may be cited as the “National Invasive  
9 Species Council Act”.

10 **SEC. 162. STATEMENT OF POLICY REGARDING FEDERAL**  
11 **DUTIES.**

12 (a) IN GENERAL.—No Federal agency may author-  
13 ize, fund, or carry out any action that would likely cause  
14 or promote the introduction or spread of an invasive spe-  
15 cies in the United States or any other location, unless the  
16 head of the Federal agency, at his or her sole discretion  
17 and pursuant to guidelines developed under subsection (b),  
18 determines that—

19 (1) the benefits of the action under consider-  
20 ation clearly outweigh the potential harm to the en-  
21 vironment, economy, or human health caused by the  
22 introduction or spread of the invasive species; and

23 (2) all feasible and prudent measures to mini-  
24 mize risk of harm to the environment, economy, or

1 human health will be taken in carrying out the ac-  
2 tions.

3 (b) GUIDELINES.—The Council for Environmental  
4 Quality, in conjunction with the Invasive Species Council,  
5 shall develop guidelines for Federal agencies to analyze ac-  
6 tions pursuant to this section.

7 **SEC. 163. NATIONAL INVASIVE SPECIES COUNCIL.**

8 (a) ESTABLISHMENT.—There is established as an  
9 independent entity within the executive branch the Na-  
10 tional Invasive Species Council. The Council shall provide  
11 leadership and coordination among Federal agencies, and  
12 between the Federal Government and State and local gov-  
13 ernments, with respect to effort to minimize the economic,  
14 ecological, and human health impacts that invasive species  
15 cause and reduce the threat of further invasions.

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—The Council shall consist of  
18 the following members:

19 (A) The Secretary of the Interior.

20 (B) The Secretary of Agriculture.

21 (C) The Secretary of Commerce.

22 (D) The Secretary of State.

23 (E) The Secretary of the Treasury.

24 (F) The Secretary of Defense.

25 (G) The Secretary of Transportation.

1           (H) The Secretary of Health and Human  
2 Services.

3           (I) The Administrator of the Environ-  
4 mental Protection Agency.

5           (J) The Administrator of the United  
6 States Agency for International Development.

7           (K) Such additional members as may be  
8 appointed under paragraph (2).

9           (2) **ADDITIONAL MEMBERS.**—With the concur-  
10 rence of a majority of the members of the Council,  
11 the Chair of the Council may appoint additional  
12 members to the Council from among individuals who  
13 are officers or employees of the Federal Government  
14 with significant responsibilities concerning invasive  
15 species.

16          (c) **CHAIR.**—The Secretary of the Interior shall serve  
17 as chair of the Council for the 3-year period beginning  
18 on the date of the enactment of this Act. Thereafter, the  
19 chair shall rotate every 3 years among the following mem-  
20 bers, in the order stated:

21           (1) The Secretary of Agriculture.

22           (2) The Secretary of Commerce.

23           (3) The Secretary of the Interior.

24          (d) **MEETINGS.**—The Council shall meet at least  
25 semiannually, at the call of the chair.

1 (e) EXECUTIVE DIRECTOR.—

2 (1) APPOINTMENT.—The President shall ap-  
3 point the Executive Director of the Council, by and  
4 with the advice and consent of the Senate.

5 (2) CONSULTATION.—Before appointing an in-  
6 dividual under paragraph (1), the President shall  
7 consult with the Secretary of the Interior, the Sec-  
8 retary of Agriculture, and the Secretary of Com-  
9 merce.

10 (3) QUALIFICATIONS.—An individual appointed  
11 under this subsection must have legal or scientific  
12 experience and training in the area of natural re-  
13 sources, ecology, or agriculture, and experience in  
14 dealing with public policy matters regarding aquatic  
15 and terrestrial invasive species.

16 (4) TERM.—The Executive Director of the  
17 Council shall serve a term of six years, unless re-  
18 moved earlier by the President.

19 (5) COMPENSATION.—The Executive Director  
20 shall be paid at the maximum rate of basic pay for  
21 GS–15 of the General Schedule.

22 **SEC. 164. DUTIES.**

23 (a) IN GENERAL.—The Council shall ensure that  
24 Federal agency efforts concerning invasive species are co-  
25 ordinated, effective, complementary, and cost-efficient.

1 (b) SPECIFIC FUNCTIONS.—To carry out subsection  
2 (a) the Council shall perform the following functions:

3 (1) Coordinate with existing organizations ad-  
4 dressing invasive species, such as the Aquatic Nui-  
5 sance Species Task Force, the Federal Interagency  
6 Committee for the Management of Noxious and Ex-  
7 otic Weeds, regional panels established under the  
8 Nonindigenous Aquatic Nuisance Prevention and  
9 Control Act of 1990 (16 U.S.C. 4701 et seq.), and  
10 the White House Office of Science and Technology  
11 Policy, to implement the National Management  
12 Plan.

13 (2) Develop recommendations for international  
14 cooperation between Federal and State Governments  
15 and other nations on tools, policies, and methods to  
16 prevent the introduction and export of invasive spe-  
17 cies into and from, respectively, the United States.

18 (3) Develop guidelines for Federal agency ef-  
19 forts to ensure that Federal programs concerning  
20 invasive species, including outreach programs, are  
21 coordinated with State, local, and tribal govern-  
22 ments.

23 (4) Develop, in consultation with the Council on  
24 Environmental Quality, guidance to Federal agencies  
25 pursuant to the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.) on prevention, con-  
2 trol, and eradication of invasive species.

3 (5) Establish and maintain a publicly acces-  
4 sible, coordinated, up-to-date information sharing  
5 system that—

6 (A) allows the access to and exchange of  
7 information among Federal agencies and the  
8 public; and

9 (B) utilizes, to the greatest extent prac-  
10 ticable, the Internet.

11 (6) Ensure that Federal agencies implement the  
12 plans, programs, and policies adopted by the Council  
13 in the National Management Plan through appro-  
14 priate actions, including working in cooperation with  
15 Federal agencies on development of budgets pursu-  
16 ant to the President's annual budget submission to  
17 the Congress.

18 (7) Evaluate Federal programs that are likely  
19 to cause or promote the introduction or spread of  
20 invasive species in the United States, and rec-  
21 ommend actions Federal agencies can take to mini-  
22 mize the risk of introductions or further spread of  
23 invasive species.

24 (8) Develop and submit to the appropriate  
25 Committees of the House of Representatives and

1 Senate and the Director of the Office of Manage-  
2 ment and Budget an annual list of priorities, ranked  
3 in high, medium, and low categories, of Federal ef-  
4 forts and programs in the following areas:

5 (A) Prevention.

6 (B) Eradication.

7 (C) Control.

8 (D) Monitoring.

9 (E) Research.

10 (F) Outreach.

11 **SEC. 165. NATIONAL INVASIVE SPECIES MANAGEMENT**

12 **PLAN.**

13 (a) DEVELOPMENT.—

14 (1) IN GENERAL.—The Council shall develop a  
15 National Invasive Species Management Plan that de-  
16 tails and recommends performance-oriented goals  
17 and specific measures of success for carrying out  
18 each of the Federal agency activities related to  
19 invasive species.

20 (2) DEVELOPMENT PROCESS.—The National  
21 Management Plan shall be developed through a pub-  
22 lic process and in consultation with Federal agen-  
23 cies, appropriate State and local entities, and other  
24 appropriate stakeholders.

1           (3) CONTENTS.—The National Management  
2 Plan shall include recommendations of effective,  
3 cost-efficient, environmentally sound, and science-  
4 based approaches for the following:

5           (A) Prevention of the introduction of  
6 invasive species, including approaches for iden-  
7 tifying pathways by which invasive species are  
8 introduced and for minimizing the risk of intro-  
9 ductions via those pathways. Recommended ap-  
10 proaches under this subparagraph shall provide  
11 for—

12           (i) a process to evaluate risks associ-  
13 ated with the introduction and spread of  
14 invasive species; and

15           (ii) a coordinated and systematic risk-  
16 based process to identify, monitor, and  
17 interdict pathways that may be involved in  
18 the introduction of invasive species.

19           (B) Cooperating with other nations to in-  
20 crease their capacity to control their invasive  
21 species and to prevent the spread of invasive  
22 species across international borders.

23           (C) Rapidly detecting and responding to  
24 incipient invasions of invasive species.

1 (D) Managing new and established popu-  
2 lations of invasive species by eradicating them  
3 or controlling their spread.

4 (E) Accurately and reliably monitoring new  
5 and established populations of invasive species.

6 (F) Restoring native species and habitat  
7 conditions in ecosystems that have been invaded  
8 by invasive species.

9 (G) Evaluating and documenting the im-  
10 pacts of invasive species on the economy, the  
11 environment, and human health.

12 (H) Conducting research on the matters  
13 referred to in subparagraphs (A) through (F).

14 (I) Developing technologies to prevent the  
15 introduction and provide for the management of  
16 invasive species.

17 (J) Promoting public education on invasive  
18 species and the means to address them.

19 (4) IDENTIFICATION OF NEEDED PERSONNEL,  
20 ETC.—The National Management Plan shall identify  
21 the personnel, other resources, and additional levels  
22 of coordination needed to achieve the goals included  
23 in the plan.

24 (b) EXISTING PLAN.—The Management Plan of the  
25 National Invasive Species Council adopted in 2001 shall

1 be treated as the National Management Plan required  
2 under subsection (a) until the date of the issuance of the  
3 National Management plan in accordance with subsection  
4 (c).

5 (c) **ISSUANCE AND UPDATE OF NATIONAL MANAGE-**  
6 **MENT PLAN.**—The Council shall—

7 (1) issue the National Management Plan re-  
8 quired under subsection (a) by not later than De-  
9 cember 31, 2010;

10 (2) update the National Management Plan by  
11 not later than December 31 biennially; and

12 (3) concurrently with the process of updating  
13 the National Management Plan, evaluate and report  
14 to the Congress on success in achieving the goals set  
15 forth in the National Management Plan.

16 (d) **AGENCY REPORTS.**—Within 18 months after the  
17 date of the issuance of any edition of the National Man-  
18 agement Plan that recommends action by a Federal agen-  
19 cy, the head of such agency shall report to the Congress  
20 any of such actions that the agency has not taken, with  
21 an explanation of why the action is not feasible.

22 **SEC. 166. INVASIVE SPECIES ADVISORY COMMITTEE.**

23 (a) **IN GENERAL.**—The Council shall have an advi-  
24 sory committee to provide information and advice for con-  
25 sideration by the Council, which shall be known as the

1 Invasive Species Advisory Committee. Except as otherwise  
2 provided in this section, the advisory committee shall be  
3 organized, perform the functions, and have the authorities  
4 specified in the charter for such advisory committee signed  
5 by the Secretary of the Interior on October 30, 2001.

6 (b) APPOINTMENT.—Members of the advisory com-  
7 mittee shall be appointed by the chair of the Council, after  
8 consultation with the other members of the Council, from  
9 among individuals representing stakeholders with respect  
10 to Federal programs for minimizing the economic, ecologi-  
11 cal, and human health impacts that invasive species cause.

12 (c) FUNCTIONS.—In addition to the functions speci-  
13 fied in the charter referred to in subsection (a), the advi-  
14 sory committee shall recommend to the Council plans and  
15 actions at local, tribal, State, regional, and ecosystem-  
16 based levels to achieve the goals of the National Manage-  
17 ment Plan required under 165.

18 (d) CONTINUING OPERATION OF EXISTING COM-  
19 MITTEE.—Any advisory committee appointed before the  
20 date of the enactment of this Act pursuant to the charter  
21 referred to in subsection (a) may continue in effect under  
22 this section.

23 **SEC. 167. BUDGET CROSSCUT.**

24 The Director of the Office of Management and Budg-  
25 et shall prepare and submit to the Congress and the Coun-

1 cil, by not later than March 31, 2010, and of each year  
2 thereafter, a budget analysis and summary of all Federal  
3 programs relating to invasive species.

4 **SEC. 168. DEFINITIONS.**

5 In this Act:

6 (1) COUNCIL.—The term “Council” means the  
7 National Invasive Species Council established by sec-  
8 tion 163(a).

9 (2) INVASIVE SPECIES.—The term “invasive  
10 species” means a species—

11 (A) that is nonnative to the ecosystem  
12 under consideration; and

13 (B) the introduction of which causes or  
14 may cause harm to the economy, the environ-  
15 ment, or human health.

16 (3) NATIONAL MANAGEMENT PLAN.—The term  
17 “National Management Plan” means the National  
18 Invasive Species Management Plan developed by the  
19 Council under section 165(a).

20 (4) SPECIES.—The term “species” means a cat-  
21 egory of taxonomic classification ranking below a  
22 genus or subgenus and consisting of related orga-  
23 nisms capable of interbreeding.

1 **SEC. 169. EXISTING EXECUTIVE ORDER.**

2 Executive Order 13112, dated February 3, 1999,  
3 shall have no force or effect.

4 **SEC. 170. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to carry out  
6 this Act \$2,000,000 for each of fiscal years 2010 through  
7 2014.

8 **TITLE II—COASTAL HEALTH**

9 **SEC. 201. TECHNICAL ASSISTANCE.**

10 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL  
11 TREATMENT WORKS.—Section 104(b) of the Federal  
12 Water Pollution Control Act (33 U.S.C. 1254(b)) is  
13 amended—

14 (1) by redesignating paragraphs (1) through  
15 (7) as subparagraphs (A) through (G), respectively,  
16 and indenting the subparagraphs appropriately;

17 (2) by striking “(b) In carrying out” and in-  
18 serting the following:

19 “(b) AUTHORIZED ACTIVITIES.—

20 “(1) IN GENERAL.—In carrying out”;

21 (3) in paragraph (1) (as designated by para-  
22 graph (2))—

23 (A) by striking “paragraph (1) of sub-  
24 section (a)” each place it appears and inserting  
25 “subsection (a)(1)”;

1 (B) in subparagraph (C) (as redesignated  
2 by paragraph (1)), by striking “of this section”;

3 (C) in subparagraph (F) (as redesignated  
4 by paragraph (1)), by striking “thereof; and”  
5 and inserting “of the effects;”;

6 (D) in subparagraph (G) (as redesignated  
7 by paragraph (1)), by striking the period at the  
8 end and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(H) make grants to nonprofit organiza-  
11 tions—

12 “(i) to provide technical assistance to  
13 rural and small municipalities for the pur-  
14 pose of assisting, in consultation with the  
15 State in which the assistance is provided,  
16 the municipalities in the planning, develop-  
17 ment, and acquisition of financing for  
18 wastewater infrastructure assistance;

19 “(ii) to capitalize revolving loan funds  
20 for the purpose of providing loans, in con-  
21 sultation with the State in which the as-  
22 sistance is provided and in accordance with  
23 paragraph (2), to rural and small munici-  
24 palities for—

1                   “(I) predevelopment costs associ-  
2                   ated with wastewater infrastructure  
3                   projects; and

4                   “(II) short-term costs incurred  
5                   for the replacement of equipment that  
6                   is not part of a regular operation or  
7                   maintenance activity for an existing  
8                   wastewater system;

9                   “(iii) to provide technical assistance  
10                  and training for rural and small publicly  
11                  owned treatment works and decentralized  
12                  wastewater treatment systems to enable  
13                  the treatment works and systems to—

14                   “(I) protect water quality; and

15                   “(II) achieve and maintain com-  
16                  pliance with the requirements of this  
17                  Act; and

18                   “(iv) to disseminate information to  
19                  rural and small municipalities and municipa-  
20                  lities that meet the affordability criteria  
21                  established by the State in which the mu-  
22                  nicipality is located under section 603(i)(2)  
23                  with respect to planning, design, construc-  
24                  tion, and operation of publicly owned treat-

1           ment works and decentralized wastewater  
2           treatment systems.”; and

3           (4) by adding at the end the following:

4           “(2) LOAN CONDITIONS.—

5                 “(A) IN GENERAL.—A loan provided under  
6           paragraph (1)(H)(ii) shall—

7                 “(i) be provided at a below-market in-  
8           terest rate;

9                 “(ii) be provided in an amount not to  
10           exceed \$100,000; and

11                 “(iii) extend for a term of not more  
12           than 10 years.

13                 “(B) REPAYMENT.—Repayment of a loan  
14           provided under paragraph (1)(H)(ii) shall be  
15           credited to the water pollution control revolving  
16           loan fund of the appropriate State under sec-  
17           tion 603.”.

18           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
19   104(u) of the Federal Water Pollution Control Act (33  
20   U.S.C. 1254(u)) is amended—

21                 (1) by striking “(u) There is authorized to be  
22           appropriated (1) not” and inserting the following:

23                 “(u) AUTHORIZATION OF APPROPRIATIONS.—There  
24           are authorized to be appropriated—

25                 “(1) not”;

1           (2) in paragraph (1), by striking “provisions;  
2           (2) not” and inserting the following: “provisions;  
3           “(2) not”;  
4           (3) in paragraph (2), by striking “subsection  
5           (g)(1); (3) not” and inserting the following: “sub-  
6           section (g)(1);  
7           “(3) not”;  
8           (4) in paragraph (3), by striking “subsection  
9           (g)(2); (4) not” and inserting the following: “sub-  
10          section (g)(2);  
11          “(4) not”;  
12          (5) in paragraph (4), by striking “subsection  
13          (p); (5) not” and inserting the following: “subsection  
14          (p);  
15          “(5) not”;  
16          (6) in paragraph (5), by striking “subsection  
17          (r); and (6) not” and inserting the following: “sub-  
18          section (r);  
19          “(6) not”;  
20          (7) in paragraph (6), by striking the period at  
21          the end and inserting “; and”; and  
22          (8) by adding at the end the following:  
23          “(7) for each of fiscal years 2010 through  
24          2014, not more than \$75,000,000 to carry out sub-

1 paragraphs (C) and (H) of subsection (b)(1), of  
2 which, during any fiscal year—

3 “(A) not less than 20 percent shall be used  
4 to carry out subsection (b)(1)(H); and

5 “(B) not more than  $\frac{1}{3}$  of the amount used  
6 under subparagraph (A) shall be used to carry  
7 out subsection (b)(1)(H)(ii).”.

8 (c) COMPETITIVE PROCEDURES FOR AWARDING  
9 GRANTS.—Section 104 of the Federal Water Pollution  
10 Control Act (33 U.S.C. 1254) is amended by adding at  
11 the end the following:

12 “(w) COMPETITIVE PROCEDURES FOR AWARDING  
13 GRANTS.—The Administrator shall establish procedures  
14 that promote competition and openness, to the maximum  
15 extent practicable, in the award of grants to nonprofit pri-  
16 vate agencies, institutions, and organizations under this  
17 section.”.

18 **SEC. 202. SEWER OVERFLOW CONTROL GRANTS.**

19 Section 221 of the Federal Water Pollution Control  
20 Act (33 U.S.C. 1301) is amended by striking subsection  
21 (c) and inserting the following:

22 “(c) DEFINITION OF FINANCIALLY DISTRESSED  
23 COMMUNITY.—A financially distressed community re-  
24 ferred to in subsection (b) is a community that meets the

1 affordability criteria established by the State in which the  
2 community is located under section 603(i)(2).”.

3 **SEC. 203. WATER POLLUTION CONTROL REVOLVING LOAN**  
4 **FUNDS.**

5 (a) EXTENDED PAYMENT PERIOD.—Section  
6 603(d)(1) of the Federal Water Pollution Control Act (33  
7 U.S.C. 1383(d)(1)) is amended—

8 (1) in subparagraph (A), by striking “20  
9 years;” and inserting the following: “the lesser of—  
10 “(i) the design life of the project to be  
11 financed using the proceeds of the loan; or  
12 “(ii) 30 years;”; and

13 (2) in subparagraph (B), by striking “not later  
14 than 20 years after project completion” and insert-  
15 ing “on the expiration of the term of the loan”.

16 (b) TECHNICAL AND PLANNING ASSISTANCE FOR  
17 SMALL SYSTEMS.—Section 603(d) of the Federal Water  
18 Pollution Control Act (33 U.S.C. 1383(d)) is amended—

19 (1) in paragraph (6), by striking “and” at the  
20 end;

21 (2) in paragraph (7), by striking the period at  
22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(8) with respect to municipalities and inter-  
25 municipal, interstate, and State agencies seeking as-

1 assistance under this title that serve a population of  
2 20,000 or fewer, to provide to owners and operators  
3 of small treatment works, in an amount not to ex-  
4 ceed 2 percent of the amount of total grant awards  
5 made under this title—

6 “(A) technical and planning assistance;

7 and

8 “(B) assistance relating to—

9 “(i) financial management;

10 “(ii) user fee analysis;

11 “(iii) budgeting;

12 “(iv) capital improvement planning;

13 “(v) facility operation and mainte-  
14 nance;

15 “(vi) repair schedules; and

16 “(vii) other activities to improve  
17 wastewater treatment plant management  
18 and operations.”.

19 (c) ADDITIONAL SUBSIDIZATION.—Section 603 of the  
20 Federal Water Pollution Control Act (33 U.S.C. 1383) is  
21 amended by adding at the end the following:

22 “(i) ADDITIONAL SUBSIDIZATION.—

23 “(1) IN GENERAL.—In any case in which a  
24 State provides assistance to a municipality or an  
25 intermunicipal, interstate, or State agency under

1 subsection (d), the State may provide additional sub-  
2 sidization, including forgiveness of principal and  
3 negative interest loans—

4 “(A) to benefit a municipality that—

5 “(i) meets the affordability criteria of  
6 the State established under paragraph (2);

7 or

8 “(ii) does not meet the criteria estab-  
9 lished under paragraph (2), if the munici-  
10 pality—

11 “(I) seeks additional subsidiza-  
12 tion to benefit individual ratepayers in  
13 the residential user rate class;

14 “(II) demonstrates to the State  
15 that the ratepayers described in sub-  
16 clause (I) will experience a significant  
17 hardship on the increase in rates re-  
18 quired to finance the project or activ-  
19 ity for which the assistance is sought;  
20 and

21 “(III) ensures, as part of an  
22 agreement between the State and the  
23 recipient, that the additional sub-  
24 sidization provided under this para-  
25 graph will be directed to those rate-

1                   payers through a user charge rate sys-  
2                   tem (or another appropriate method);  
3                   and

4                   “(B) to implement alternative processes,  
5                   materials, and techniques (including non-  
6                   structural protection of surface waters, new or  
7                   improved methods of waste treatment, and pol-  
8                   lutant trading) that may result in cost savings  
9                   or increased environmental benefit when com-  
10                  pared to standard processes, materials, and  
11                  techniques.

12                 “(2) AFFORDABILITY CRITERIA.—

13                   “(A) ESTABLISHMENT.—

14                   “(i) IN GENERAL.—Not later than  
15                   September 30, 2009, after providing notice  
16                   and an opportunity for public comment, a  
17                   State shall establish affordability criteria  
18                   to assist the State in identifying munici-  
19                   palities that would experience a significant  
20                   hardship on the increase in rates required  
21                   to finance a project or activity that is eligi-  
22                   ble for assistance under subsection (c)(1) if  
23                   additional subsidization under paragraph  
24                   (1) is not provided.

1                   “(ii) FACTORS FOR CONSIDER-  
2                   ATION.—In establishing criteria under  
3                   clause (i), a State shall take into consider-  
4                   ation—

5                               “(I) income data;

6                               “(II) population trends; and

7                               “(III) any other data the State  
8                   determines to be relevant.

9                   “(B) EXISTING CRITERIA.—If a State has  
10                  established, after providing notice and an op-  
11                  portunity for public comment, criteria in ac-  
12                  cordance with subparagraph (A) before the date  
13                  of enactment of this subsection, the criteria  
14                  shall be considered to be affordability criteria  
15                  established under that subparagraph.

16                  “(C) INFORMATION TO ASSIST STATES.—  
17                  The Administrator may publish information to  
18                  assist States in establishing affordability cri-  
19                  teria under subparagraph (A).

20                  “(3) PRIORITY.—In providing assistance under  
21                  this subsection, a State may give priority to any  
22                  owner or operator of a project or activity that—

23                               “(A) is eligible to receive funding under  
24                  subsection (c)(1); and

1           “(B) is located in a municipality that  
2 meets the affordability criteria established  
3 under paragraph (2).

4           “(4) SET-ASIDE.—

5           “(A) IN GENERAL.—For any fiscal year  
6 during which more than \$1,400,000,000 is  
7 made available to the Administrator to carry  
8 out this title, a State shall provide additional  
9 subsidization under this subsection in the  
10 amount described in subparagraph (B) to enti-  
11 ties described in paragraph (1) for projects and  
12 activities identified in the intended use plan of  
13 the State under section 606(c) on receipt of an  
14 application for additional subsidization.

15           “(B) AMOUNT.—The amount referred to in  
16 subparagraph (A) is an amount not less than  
17 25 percent of the difference between—

18           “(i) the total amount that would have  
19 been allotted to the State under section  
20 604 during the appropriate fiscal year, if  
21 the amount made available to the Adminis-  
22 trator to carry out this title during that  
23 fiscal year was equal to \$1,400,000,000;  
24 and

1                   “(ii) the total amount allotted to the  
2                   State under section 604 for that fiscal  
3                   year.

4                   “(5) LIMITATION.—The total amount of addi-  
5                   tional subsidization provided by a State under this  
6                   subsection shall not exceed 30 percent of the total  
7                   amount of capitalization grants received by the State  
8                   under this title for fiscal years beginning after Sep-  
9                   tember 30, 2009.”.

10 **SEC. 204. ALLOTMENT OF FUNDS.**

11           (a) IN GENERAL.—Section 604 of the Federal Water  
12           Pollution Control Act (33 U.S.C. 1384) is amended by  
13           striking subsection (a) and inserting the following:

14           “(a) ALLOTMENTS.—

15                   “(1) FISCAL YEARS 2010 AND 2011.—Amounts  
16                   made available to carry out this title for fiscal years  
17                   2000 and 2010 shall be allotted by the Adminis-  
18                   trator in accordance with the formula used to cal-  
19                   culate allotments for fiscal year 2009.

20                   “(2) FISCAL YEAR 2012 AND THEREAFTER.—  
21                   Amounts made available to carry out this title for  
22                   fiscal year 2012 and each fiscal year thereafter shall  
23                   be allotted by the Administrator during each fiscal  
24                   year—

1           “(A) for amounts up to \$1,350,000,000, in  
2           accordance with the formula used to calculate  
3           allotments for fiscal year 2009; and

4           “(B) for any amount in excess of  
5           \$1,350,000,000, in accordance with the formula  
6           developed by the Administrator under sub-  
7           section (d).”.

8           (b) PLANNING ASSISTANCE.—Section 604(b) of the  
9           Federal Water Pollution Control Act (33 U.S.C. 1384(b))  
10          is amended by striking “1 percent” and inserting “2 per-  
11          cent”.

12          (c) FORMULA.—Section 604 of the Federal Water  
13          Pollution Control Act (33 U.S.C. 1384) is amended by  
14          adding at the end the following:

15          “(d) FORMULA BASED ON WATER QUALITY  
16          NEEDS.—Not later than September 30, 2009, after pro-  
17          viding notice and an opportunity for public comment, the  
18          Administrator shall publish an allotment formula for pur-  
19          poses of subsection (a)(2)(B) based on water quality  
20          needs, to be determined by the Administrator in accord-  
21          ance with the most recent survey of needs developed by  
22          the Administrator under section 516.”.

23          **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

24          Section 607 of the Federal Water Pollution Control  
25          Act (33 U.S.C. 1387) is amended to read as follows:

1 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this title—

4 “(1) \$2,000,000,000 for fiscal year 2010;

5 “(2) \$3,000,000,000 for fiscal year 2011;

6 “(3) \$4,000,000,000 for fiscal year 2012;

7 “(4) \$5,000,000,000 for fiscal year 2013; and

8 “(5) \$6,000,000,000 for fiscal year 2014.”.

9 **TITLE III—AREAS OF CONCERN**

10 **SEC. 301. REMEDIATION OF SEDIMENT CONTAMINATION IN**  
11 **AREAS OF CONCERN.**

12 Section 118(c)(12)(H) of the Federal Water Pollu-  
13 tion Control Act (33 U.S.C. 1268(c)(12)(H)) is amended  
14 by striking clause (i) and inserting the following:

15 “(i) IN GENERAL.—In addition to  
16 other amounts authorized to be appro-  
17 priated to carry out this section, there is  
18 authorized to be appropriated to carry out  
19 this paragraph \$150,000,000 for each of  
20 fiscal years 2010 through 2014.”.

21 **TITLE IV—CLEAN WATER**  
22 **AUTHORITY**

23 **SEC. 401. DEFINITION OF WATERS OF THE UNITED STATES.**

24 Section 502 of the Federal Water Pollution Control  
25 Act (33 U.S.C. 1362) is amended—

26 (1) by striking paragraph (7);

1           (2) by redesignating paragraphs (8) through  
2           (23) as paragraphs (7) through (22), respectively;  
3           and

4           (3) by adding at the end the following:

5           “(23) WATERS OF THE UNITED STATES.—The  
6           term ‘waters of the United States’ means all waters  
7           subject to the ebb and flow of the tide, the territorial  
8           seas, and all interstate and intrastate waters and  
9           their tributaries, including lakes, rivers, streams (in-  
10          cluding intermittent streams), mudflats, sandflats,  
11          wetlands, sloughs, prairie potholes, wet meadows,  
12          playa lakes, natural ponds, and all impoundments of  
13          the foregoing, to the fullest extent that these waters,  
14          or activities affecting these waters, are subject to the  
15          legislative power of Congress under the Constitu-  
16          tion.”.

17 **SEC. 402. CONFORMING AMENDMENTS.**

18          The Federal Water Pollution Control Act (33 U.S.C.  
19 1251 et seq.) is amended—

20           (1) by striking “navigable waters of the United  
21           States” each place it appears and inserting “waters  
22           of the United States”;

23           (2) in section 304(l)(1) by striking “NAVIGABLE  
24           WATERS” in the heading and inserting “WATERS OF  
25           THE UNITED STATES”; and

1           (3) by striking “navigable waters” each place it  
2           appears and inserting “waters of the United  
3           States”.

## 4           **TITLE V—TOXIC SUBSTANCES**

### 5           **SEC. 501. MERCURY REDUCTION GRANTS.**

6           Section 118(c) of the Federal Water Pollution Con-  
7           trol Act (33 U.S.C. 1268(c)) is amended by adding at the  
8           end the following:

9                   “(14) MERCURY REDUCTION GRANTS.—

10                   “(A) IN GENERAL.—The Program Office  
11                   shall provide grants to Great Lakes States and  
12                   Indian tribes in Great Lakes States to carry  
13                   out projects to reduce the quantity of mercury  
14                   in the Great Lakes.

15                   “(B) APPLICATION.—Each Great Lake  
16                   State or Indian tribe that seeks a grant under  
17                   this paragraph shall submit an application to  
18                   the Program Office at such time, in such man-  
19                   ner, and accompanied by or containing any in-  
20                   formation that the Program Office may require.

21                   “(C) AUTHORIZATION OF APPROPRIA-  
22                   TIONS.—There is authorized to be appropriated  
23                   to carry out this paragraph \$10,000,000 for  
24                   each of fiscal years 2010 through 2014.”.

1       **TITLE VI—INDICATORS AND**  
2                   **INFORMATION**  
3       **Subtitle A—Research Program**

4       **SEC. 601. RESEARCH REAUTHORIZATIONS.**

5           Section 118 of the Federal Water Pollution Control  
6 Act (33 U.S.C. 1268) is amended by—

7                   (1) in subsection (d) by striking paragraph (2)  
8                   and redesignating paragraphs (3) through (7) as  
9                   paragraphs (2) through (6), respectively.

10                   (2) by striking subsection (e) and inserting the  
11                   following:

12                   “(e) RESEARCH AND MANAGEMENT COORDINA-  
13 TION.—

14                   “(1) JOINT PLAN.—

15                           “(A) IN GENERAL.—Not later than Sep-  
16                           tember 30 of each year, the Program Office,  
17                           the Research Office, and the Great Lakes  
18                           Science Center shall prepare and submit to the  
19                           Executive Committee of the Regional Collabora-  
20                           tion a joint research plan for the fiscal year  
21                           that begins in the following calendar year.

22                           “(B) COLLABORATION.—The Program Of-  
23                           fice, the Research Office, and the Great Lakes  
24                           Science Center shall consult with other appro-  
25                           priate Federal agencies, academic institutions,

1 State agencies, and other groups conducting  
2 Great Lakes research and monitoring when pre-  
3 paring its joint research plan.

4 “(C) SUBMISSION TO CONGRESS.—The  
5 President shall include the plan described in  
6 subparagraph (A) in the annual budget of the  
7 United States Government submitted to Con-  
8 gress by the President.

9 “(2) CONTENTS OF PLAN.—Each plan prepared  
10 under paragraph (1) shall—

11 “(A) identify all proposed research dedi-  
12 cated to activities carried out under the Great  
13 Lakes Water Quality Agreement and any other  
14 applicable agreements and amendments;

15 “(B) include the assessment of the Re-  
16 gional Collaboration of priorities for research  
17 needed to fulfill the terms of those agreements;  
18 and

19 “(C) identify all proposed research that  
20 may be used to develop a comprehensive envi-  
21 ronmental database for the Great Lakes System  
22 and establish priorities for development of the  
23 database.”.

1 **SEC. 602. GREAT LAKES ENVIRONMENTAL RESEARCH LAB-**  
2 **ORATORY.**

3 Section 118 of the Federal Water Pollution Control  
4 Act (33 U.S.C. 1268) is amended—

5 (1) in subsection (d)(6) by striking “priority  
6 issues” and all that follows and inserting “are con-  
7 sistent with the joint research plan”; and

8 (2) by striking subsection (h) and inserting the  
9 following:

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to carry out this section  
12 \$55,000,000 for each of fiscal years 2010 through 2014,  
13 of which, for each fiscal year—

14 “(1) \$40,000,000 shall be made available to the  
15 program Office; and

16 “(2) \$15,000,000 shall be made available to the  
17 Great Lakes Environmental Research Laboratory.”.

18 **SEC. 603. GREAT LAKES SCIENCE CENTER.**

19 There is authorized to be appropriated to the Direc-  
20 tor of the United States Geological Survey, for use by the  
21 Great Lakes Science Center, to carry out research activi-  
22 ties that advance scientific knowledge and provide sci-  
23 entific information for restoring, enhancing, managing,  
24 and protecting the living marine resources and habitats  
25 in the Great Lakes basin ecosystem \$25,000,000 for each  
26 of fiscal years 2010 through 2014.

1 **SEC. 604. CENTER FOR SPONSORED COASTAL OCEAN RE-**  
2 **SEARCH.**

3       There is authorized to be appropriated to the Direc-  
4 tor of the National Oceanic and Atmospheric Administra-  
5 tion’s Center for Sponsored Coastal Ocean Research, for  
6 use by the Center, to carry out a program to award grants  
7 to academic institutions, State agencies, and other appro-  
8 priate groups to carry out activities consistent with the  
9 Joint Research Plan developed under subsection (e) of sec-  
10 tion 1268 of title 33, United States Code, that advances  
11 scientific knowledge and provides scientific information for  
12 restoring, enhancing, managing, and protecting the living  
13 marine resources and habitats in the Great Lakes basin  
14 ecosystem \$25,000,000 for each of fiscal years 2010  
15 through 2014.

16       **Subtitle B—Ocean and Coastal**  
17       **Observation System**

18 **SEC. 611. DEFINITIONS.**

19       In this Act:

20           (1) **COUNCIL.**—The term “Council” means the  
21 National Ocean Research Leadership Council.

22           (2) **GREAT LAKE.**—The term “Great Lake”  
23 means—

24                   (A) Lake Erie;

25                   (B) Lake Huron (including Lake Saint  
26 Clair);

- 1 (C) Lake Michigan;  
2 (D) Lake Ontario;  
3 (E) Lake Superior; and  
4 (F) the connecting channels of those  
5 Lakes, including—  
6 (i) the Saint Mary’s River;  
7 (ii) the Saint Clair River;  
8 (iii) the Detroit River;  
9 (iv) the Niagara River; and  
10 (v) the Saint Lawrence River to the  
11 Canadian border.

12 (3) OBSERVING SYSTEM.—The term “observing  
13 system” means the integrated coastal, ocean, and  
14 Great Lakes observing system to be established by  
15 the Committee under section 612(a).

16 (4) INTERAGENCY PROGRAM OFFICE.—The  
17 term “interagency program office” means the office  
18 established under section 612(d).

19 **SEC. 612. INTEGRATED OCEAN AND COASTAL OBSERVING**  
20 **SYSTEM.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The President, acting  
23 through the Council, shall establish and maintain an  
24 integrated system of ocean and coastal observations,  
25 data communication and management, analysis,

1 modeling, research, education, and outreach de-  
2 signed to provide data and information for the time-  
3 ly detection and prediction of changes occurring in  
4 the ocean, coastal, and Great Lakes environment  
5 that impact the social, economic, and ecological sys-  
6 tems of the United States.

7 (2) PURPOSES.—The observing system shall  
8 provide for long-term, continuous, and quality-con-  
9 trolled observations of the coasts, oceans, and Great  
10 Lakes so as to—

11 (A) improve the health of the coasts,  
12 oceans, and Great Lakes of the United States;

13 (B) protect human lives and livelihoods  
14 from hazards, including tsunamis, hurricanes,  
15 coastal erosion, and fluctuating Great Lakes  
16 water levels;

17 (C) understand the effects of human activi-  
18 ties and natural variability on the state of the  
19 coasts, oceans, and Great Lakes and the socio-  
20 economic well-being of the United States;

21 (D) provide for the sustainable use, protec-  
22 tion, and enjoyment of ocean, coastal, and  
23 Great Lakes resources;

1 (E) provide information that can support  
2 the eventual implementation and refinement of  
3 ecosystem-based management;

4 (F) supply critical information to marine-  
5 related businesses, including aquaculture and  
6 fisheries; and

7 (G) support research and development to—

8 (i) ensure continuous improvement to  
9 ocean, coastal, and Great Lakes observa-  
10 tion measurements; and

11 (ii) enhance understanding of the  
12 ocean, coastal, and Great Lakes resources  
13 of the United States.

14 (b) SYSTEM ELEMENTS.—To carry out the purposes  
15 of this subtitle, the observing system shall consist of—

16 (1) a national program to fulfill national obser-  
17 vation priorities, including the ocean contribution of  
18 the United States to the Global Earth Observation  
19 System of Systems and the Global Ocean Observing  
20 System;

21 (2) a network of regional associations to man-  
22 age the regional ocean and coastal observing and in-  
23 formation programs that collect, measure, and dis-  
24 seminate data and information products to meet re-  
25 gional needs;

1           (3) a data management and dissemination sys-  
2           tem for the timely integration and dissemination of  
3           data and information products from the national  
4           and regional systems;

5           (4) a research and development program con-  
6           ducted under the guidance of the Council; and

7           (5) an outreach, education, and training pro-  
8           gram that augments existing programs, including  
9           the National Sea Grant College Program, the Cen-  
10          ters for Ocean Sciences Education Excellence pro-  
11          gram, and the National Estuarine Research Reserve  
12          System, to ensure the use of the data and informa-  
13          tion for—

14                   (A) improving public education and aware-  
15                   ness of the oceans of the United States; and

16                   (B) building the technical expertise re-  
17                   quired to operate and improve the observing  
18                   system.

19          (c) COUNCIL FUNCTIONS.—In carrying out this sec-  
20          tion, the Council shall—

21           (1) serve as the oversight body for the design  
22           and implementation of all aspects of the observing  
23           system;

24           (2) adopt plans, budgets, and standards that  
25           are developed and maintained by the interagency

1 program office in consultation with the regional as-  
2 sociations;

3 (3) coordinate the observing system with other  
4 earth observing activities, including the Global  
5 Ocean Observing System and the Global Earth Ob-  
6 serving System of Systems;

7 (4) coordinate and administer programs of re-  
8 search, development, education, and outreach to—

9 (A) support improvements to, and the op-  
10 eration of, an integrated ocean and coastal ob-  
11 serving system; and

12 (B) advance the understanding of the  
13 oceans;

14 (5) establish pilot projects to develop technology  
15 and methods for advancing the development of the  
16 observing system;

17 (6) provide, as appropriate, support for and  
18 representation on United States delegations to inter-  
19 national meetings on ocean and coastal observing  
20 programs; and

21 (7) in consultation with the Secretary of State,  
22 coordinate relevant Federal activities with those of  
23 other nations.

24 (d) INTERAGENCY PROGRAM OFFICE.—

1           (1) IN GENERAL.—The Council shall establish  
2           an interagency program office to be known as “Oce-  
3           anUS”.

4           (2) RESPONSIBILITIES.—The interagency pro-  
5           gram office shall be responsible for program plan-  
6           ning and coordination of the observing system.

7           (3) REQUIREMENTS.—The interagency program  
8           office shall—

9                   (A) prepare annual and long-term plans  
10                  for consideration by the Council for the design  
11                  and implementation of the observing system  
12                  that promote collaboration among Federal  
13                  agencies and regional associations in developing  
14                  the global and national observing systems, in-  
15                  cluding identification and refinement of a core  
16                  set of variables to be measured by all systems;

17                   (B) coordinate the development of agency  
18                  priorities and budgets for implementation of the  
19                  observing system, including budgets for the re-  
20                  gional associations;

21                   (C) establish and refine standards and pro-  
22                  tocols for data management and communica-  
23                  tions, including quality standards, in consulta-  
24                  tion with participating Federal agencies and re-  
25                  gional associations;

1 (D) develop a process for the certification  
2 and periodic review and recertification of the re-  
3 gional associations;

4 (E) establish an external technical com-  
5 mittee to provide biennial review of the observ-  
6 ing system; and

7 (F) provide for opportunities to partner or  
8 contract with private sector companies in de-  
9 ploying ocean observation system elements.

10 (e) LEAD FEDERAL AGENCY.—

11 (1) IN GENERAL.—The National Oceanic and  
12 Atmospheric Administration shall be the lead Fed-  
13 eral agency for implementation and operation of the  
14 observing system.

15 (2) REQUIREMENTS.—Based on the plans pre-  
16 pared by the interagency program office and adopted  
17 by the Council, the Administrator of the National  
18 Oceanic and Atmospheric Administration shall—

19 (A) coordinate implementation, operation,  
20 and improvement of the observing system;

21 (B) establish efficient and effective admin-  
22 istrative procedures for allocation of funds  
23 among Federal agencies and regional associa-  
24 tions in a timely manner and according to the  
25 budget adopted by the Council;

1 (C) implement and maintain appropriate  
2 elements of the observing system;

3 (D) provide for the migration of scientific  
4 and technological advances from research and  
5 development to operational deployment;

6 (E) integrate and extend existing programs  
7 and pilot projects into the operational observa-  
8 tion system;

9 (F) certify regional associations that meet  
10 the requirements of subsection (f); and

11 (G) integrate the capabilities of the Na-  
12 tional Coastal Data Development Center and  
13 the Coastal Services Center of the National  
14 Oceanic and Atmospheric Administration, and  
15 other appropriate centers, into the observing  
16 system to assimilate, manage, disseminate, and  
17 archive data from regional observation systems  
18 and other observation systems.

19 (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-  
20 AL OBSERVING SYSTEMS.—

21 (1) IN GENERAL.—The Administrator of the  
22 National Oceanic and Atmospheric Administration  
23 may certify 1 or more regional associations to be re-  
24 sponsible for the development and operation of re-  
25 gional ocean and coastal observing systems to meet

1 the information needs of user groups in the region  
2 while adhering to national standards.

3 (2) REQUIREMENTS.—To be certifiable by the  
4 Administrator, a regional association shall—

5 (A) demonstrate an organizational struc-  
6 ture capable of supporting and integrating all  
7 aspects of ocean and coastal observing and in-  
8 formation programs within a region;

9 (B) operate under a strategic operations  
10 and business plan that details the operation and  
11 support of regional ocean and coastal observing  
12 systems in accordance with the standards estab-  
13 lished by the Council;

14 (C) provide information products for mul-  
15 tiple users in the region;

16 (D) work with governmental entities and  
17 programs at all levels within the region to pro-  
18 vide timely warnings and outreach to protect  
19 the public; and

20 (E) meet certification standards developed  
21 by the interagency program office in conjunc-  
22 tion with the regional associations and approved  
23 by the Council.

24 (g) PROHIBITION ON LOBBYING.—Nothing in this  
25 Act authorizes a regional association to engage in lobbying

1 activities (as defined in section 3 of the Lobbying Dislo-  
2 sure Act of 1995 (2 U.S.C. 1602)).

3 (h) CIVIL LIABILITY.—For purposes of section  
4 1346(b)(1) and chapter 171 of title 28, United States  
5 Code, the Suits in Admiralty Act (46 U.S.C. App. 741  
6 et seq.), and the Public Vessels Act (46 U.S.C. App. 781  
7 et seq.)—

8 (1) any regional ocean and coastal observing  
9 system that is a designated part of a regional asso-  
10 ciation certified under this section shall, in carrying  
11 out the purposes of this Act, be considered to be  
12 part of the National Oceanic and Atmospheric Ad-  
13 ministration; and

14 (2) any employee of that system, while acting  
15 within the scope of the employment of the employee,  
16 carrying out those purposes, shall be considered to  
17 be an employee of the Government.

18 **SEC. 613. RESEARCH, DEVELOPMENT, AND EDUCATION.**

19 The Council shall establish programs for research,  
20 development, education, and outreach for the ocean and  
21 coastal observing system, including projects under the Na-  
22 tional Oceanographic Partnership Program, consisting  
23 of—

24 (1) basic research to advance knowledge of  
25 ocean and coastal systems and ensure continued im-

1       provement of operational products, including related  
2       infrastructure and observing technology;

3           (2) focused research projects to improve under-  
4       standing of the relationship between the coasts and  
5       oceans and human activities;

6           (3) large-scale computing resources and re-  
7       search to advance modeling of ocean and coastal  
8       processes; and

9           (4) a coordinated effort to build public edu-  
10      cation and awareness of the ocean and coastal envi-  
11      ronment and functions that integrates ongoing ac-  
12      tivities, including the National Sea Grant College  
13      Program, the Centers for Ocean Sciences Education  
14      Excellence, and the National Estuarine Research  
15      Reserve System.

16 **SEC. 614. INTERAGENCY FINANCING.**

17       (a) IN GENERAL.—The departments and agencies  
18      represented on the Council may participate in interagency  
19      financing and share, transfer, receive, obligate, and ex-  
20      pend funds appropriated to any member of the Council  
21      to carry out any administrative or programmatic project  
22      or activity under this Act or under the National Oceano-  
23      graphic Partnership Program, including support for the  
24      interagency program office, a common infrastructure, and

1 system integration for a ocean and coastal observing sys-  
2 tem.

3 (b) TRANSFER OF FUNDS.—Funds may be trans-  
4 ferred among the departments and agencies described in  
5 subsection (a) through an appropriate instrument that  
6 specifies the goods, services, or space being acquired from  
7 another Council member and the costs of the same.

8 **SEC. 615. APPLICATION WITH OUTER CONTINENTAL SHELF**  
9 **LANDS ACT.**

10 Nothing in this title supersedes or limits the author-  
11 ity of the Secretary of the Interior under the Outer Conti-  
12 nental Shelf Lands Act (43 U.S.C. 1331 et seq.).

13 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-  
15 priated to the National Oceanic and Atmospheric Adminis-  
16 tration to carry out the observing system under section  
17 612 and the research and development program under sec-  
18 tion 613 (including financial assistance to the interagency  
19 program office, the regional associations for the implemen-  
20 tation of regional ocean and coastal observing systems,  
21 and the departments and agencies represented on the  
22 Council) \$150,000,000 for each of fiscal years 2010  
23 through 2014, to remain available until expended.

24 (b) ALLOCATION OF FUNDS.—At least 50 percent of  
25 the funds appropriated to carry out the observing system

1 under section 612 shall be allocated to the regional asso-  
2 ciations certified under section 612(f) to carry out regional  
3 ocean and coastal observing systems.

4 **SEC. 617. REPORTING REQUIREMENT.**

5 (a) IN GENERAL.—Not later than March 31, 2012,  
6 the President, acting through the Council, shall submit to  
7 Congress a report on the programs established under sec-  
8 tions 612 and 613.

9 (b) REQUIREMENTS.—The report shall include—

10 (1) a description of activities carried out under  
11 the programs;

12 (2) an evaluation of the effectiveness of the pro-  
13 grams; and

14 (3) recommendations concerning reauthoriza-  
15 tion of the programs and funding levels for the pro-  
16 grams in succeeding fiscal years.

17 **Subtitle C—Great Lakes Water**  
18 **Quality Indicators and Monitoring**

19 **SEC. 621. GREAT LAKES WATER QUALITY INDICATORS AND**  
20 **MONITORING.**

21 Section 118(c)(1) of the Federal Water Pollution  
22 Control Act (33 U.S.C. 1268(c)(1)) is amended by strik-  
23 ing subparagraph (B) and inserting the following:

24 “(B)(i) not later than 2 years after the  
25 date of enactment of this clause, in cooperation

1 with Canada and appropriate Federal agencies  
2 (including the United States Geological Survey,  
3 the National Oceanic and Atmospheric Admin-  
4 istration, and the United States Fish and Wild-  
5 life Service), develop and implement a set of  
6 science-based indicators of water quality and re-  
7 lated environmental factors in the Great Lakes,  
8 including, at a minimum, measures of toxic pol-  
9 lutants that have accumulated in the Great  
10 Lakes for a substantial period of time, as deter-  
11 mined by the Program Office;

12 “(ii) not later than 4 years after the date  
13 of enactment of this clause—

14 “(I) establish a Federal network for  
15 the regular monitoring of, and collection of  
16 data throughout, the Great Lakes basin  
17 with respect to the indicators described in  
18 clause (i); and

19 “(II) collect an initial set of bench-  
20 mark data from the network; and

21 “(iii) not later than 2 years after the date  
22 of collection of the data described in clause  
23 (ii)(II), and biennially thereafter, in addition to  
24 the report required under paragraph (10), sub-

1 mit to Congress, and make available to the pub-  
2 lic, a report that—

3 “(I) describes the water quality and  
4 related environmental factors of the Great  
5 Lakes (including any changes in those fac-  
6 tors), as determined through the regular  
7 monitoring of indicators under clause  
8 (ii)(I) for the period covered by the report;  
9 and

10 “(II) identifies any emerging problems  
11 in the water quality or related environ-  
12 mental factors of the Great Lakes;”.

## 13 **TITLE VII—SUSTAINABLE** 14 **DEVELOPMENT**

### 15 **SEC. 701. WATERFRONT RESTORATION AND REMEDIATION** 16 **PROJECTS.**

17 (a) DEFINITIONS.—In this section:

18 (1) RELATED AREA.—The term “related area”  
19 means land—

20 (A) located adjacent to, or in close prox-  
21 imity of, a waterfront area; and

22 (B) that impacts or influences a waterfront  
23 area or an aquatic habitat.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of Commerce, acting through the  
3           Under Secretary for Oceans and Atmosphere.

4           (3) WATERFRONT AREA.—The term “water-  
5           front area” means a site located adjacent to a lake,  
6           river, stream, wetland, or floodplain of the United  
7           States.

8           (b) APPLICATION.—An individual or entity that seeks  
9           to receive assistance under this section shall submit to the  
10          Secretary an application for the assistance in such form,  
11          by such time, and containing such information as the Sec-  
12          retary may require.

13          (c) JUSTIFICATION AND PURPOSE.—

14               (1) JUSTIFICATION.—The Secretary may pro-  
15               vide assistance to eligible recipients in financing a  
16               restoration or remediation project only if the Sec-  
17               retary finds that the proposed project addresses con-  
18               cerns relating to—

19                       (A) public health;

20                       (B) public safety;

21                       (C) environmental improvements; or

22                       (D) economic improvements.

23               (2) PURPOSE.—An eligible recipient of assist-  
24               ance may use assistance made available under this

1 section to complete a restoration or remediation  
2 project for the purpose of—

3 (A) improving the surrounding ecosystem;

4 or

5 (B) preparing land for redevelopment by  
6 Federal, State, or local agencies, or private en-  
7 tities.

8 (d) COST SHARING.—

9 (1) GENERAL ASSISTANCE.—

10 (A) IN GENERAL.—Except as otherwise  
11 provided in this subsection, the Federal share of  
12 the cost of carrying out a restoration or remedi-  
13 ation project under this section shall not exceed  
14 65 percent, as determined by the Secretary.

15 (B) INNOVATIVE TECHNOLOGY.—The Fed-  
16 eral share of the cost of carrying out a restora-  
17 tion or remediation project under this section  
18 that involves conducting a pilot project to test  
19 a demonstration or innovative technology shall  
20 not exceed 85 percent, as determined by the  
21 Secretary.

22 (2) OPERATION AND MAINTENANCE.—The non-  
23 Federal share of operation and maintenance costs  
24 for a restoration or remediation project under this  
25 section shall be 100 percent.

1           (3) CREDIT FOR WORK-IN-KIND CONSIDER-  
2           ATIONS.—In determining the amount of a contribu-  
3           tion made by a non-Federal interest under this sec-  
4           tion, the non-Federal interest shall receive credit  
5           equal to 100 percent of the value of any land, ease-  
6           ments, rights-of-way, and relocations, and the rea-  
7           sonable cost of services, studies, and supplies, con-  
8           tributed toward the non-Federal share of project  
9           costs.

10           (4) LIABILITY OF FEDERAL GOVERNMENT.—  
11           The eligible recipient shall hold the United States  
12           harmless from any claim or damage that may arise  
13           from carrying out the restoration or remediation  
14           project under this section, except any claim or dam-  
15           age that may arise from the negligence of the Fed-  
16           eral Government or a contractor of the Federal Gov-  
17           ernment.

18           (e) FUNDING LIMITATION PER PROJECT.—Of the  
19           funds provided under this section, not more than  
20           \$5,000,000 may be allocated for an individual restoration  
21           or rehabilitation project.

1 **SEC. 702. AUTHORITY OF SECRETARY TO RESTORE AND RE-**  
2 **MEDIATE WATERFRONT AND RELATED**  
3 **AREAS.**

4 The Secretary, in consultation with appropriate Fed-  
5 eral, State, and local agencies, is authorized to restore and  
6 remediate waterfront and related areas, including site  
7 characterization, planning, design, construction, and mon-  
8 itoring.

9 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to the Sec-  
11 retary to carry out this title \$50,000,000 for fiscal years  
12 2010 through 2014.

13 **TITLE VIII—COORDINATION AND**  
14 **OVERSIGHT**

15 **SEC. 801. DEFINITIONS.**

16 In this title:

17 (1) **COLLABORATION.**—The term “Collabora-  
18 tion” means the Great Lakes Regional Collaboration  
19 established by section 804(a).

20 (2) **EXECUTIVE COMMITTEE.**—The term “Exec-  
21 utive Committee” means the Great Lakes Regional  
22 Collaboration Executive Committee established by  
23 section 803(a).

24 (3) **EXECUTIVE ORDER.**—The term “Executive  
25 Order” means Executive Order 13340 (33 U.S.C.  
26 1268 note; relating to establishment of Great Lakes

1 Interagency Task Force and promotion of regional  
2 collaboration of national significance for Great  
3 Lakes).

4 (4) GREAT LAKE.—The term “Great Lake”  
5 means—

6 (A) Lake Erie;

7 (B) Lake Huron (including Lake Saint  
8 Clair);

9 (C) Lake Michigan;

10 (D) Lake Ontario;

11 (E) Lake Superior; and

12 (F) the connecting channels of those  
13 Lakes, including—

14 (i) the Saint Mary’s River;

15 (ii) the Saint Clair River;

16 (iii) the Detroit River;

17 (iv) the Niagara River; and

18 (v) the Saint Lawrence River to the  
19 Canadian border.

20 (5) GREAT LAKES CITY.—The term “Great  
21 Lakes city” means a city located in the watershed  
22 basin of a Great Lake.

23 (6) GREAT LAKES TRIBE.—The term “Great  
24 Lakes Tribe” means any Indian tribe, band, village,  
25 nation, or other organized group or community in

1 the watershed basin of a Great Lake that is recog-  
2 nized by the Bureau of Indian Affairs as eligible for  
3 the special programs and services provided by the  
4 United States to Indians because of their status as  
5 Indians.

6 (7) SAINT LAWRENCE CITY.—The term “Saint  
7 Lawrence city” means a city located in the water-  
8 shed basin of the Saint Lawrence River.

9 (8) TASK FORCE.—The term “Task Force”  
10 means the Great Lakes Interagency Task Force es-  
11 tablished by section 802(a).

12 **SEC. 802. GREAT LAKES INTERAGENCY TASK FORCE.**

13 (a) INTERAGENCY COORDINATION.—The Great  
14 Lakes Interagency Task Force, as established by the Ex-  
15 ecutive Order for administrative purposes, is established  
16 as a task force within the Environmental Protection Agen-  
17 cy.

18 (b) DUTIES.—In addition to the duties described in  
19 the Executive Order, the Task Force shall—

20 (1) ensure that implementation of programs  
21 and projects under the authority of the Task Force  
22 members is coordinated, effective, and cost-efficient;

23 (2) work in cooperation with Federal agencies  
24 on the development of budgets and financial plans  
25 regarding the Great Lakes for inclusion in annual

1 submissions by the President to Congress of the  
2 budget of the United States; and

3 (3) submit to Congress a biennial report that  
4 describes the projects and activities carried out by  
5 the Collaboration during the 2-year period covered  
6 by the report, including a description of—

7 (A) any actions that Federal agencies can  
8 take to address the biennial restoration goals;

9 (B) Federal expenditures to meet the res-  
10 toration goals; and

11 (C) the indicators and monitoring used to  
12 determine whether the goals will be met.

13 **SEC. 803. EXECUTIVE COMMITTEE.**

14 (a) IN GENERAL.—There is established a Great  
15 Lakes Regional Collaboration Executive Committee.

16 (b) COMPOSITION.—The Executive Committee shall  
17 be composed of—

18 (1) the Chairperson of the Task Force;

19 (2) a representative of the Governors of the  
20 Great Lakes States, as agreed upon by the Gov-  
21 ernors;

22 (3) a representative of the Great Lakes cities  
23 and Saint Lawrence cities, as agreed upon by the  
24 majority of mayors of those cities; and

1           (4) a designated representative for the Great  
2 Lakes Tribes, as agreed upon by those Tribes.

3           (c) DUTIES.—The Executive Committee shall—

4           (1) hold semiannual meetings to discuss Great  
5 Lakes restoration goals and progress;

6           (2) establish a process to receive input from in-  
7 terested parties with respect to proposed rec-  
8 ommendations of the Executive Committee for res-  
9 toration of the Great Lakes; and

10          (3) submit to Congress and the Task Force a  
11 biennial report that includes—

12           (A) an analysis of progress in carrying out  
13 restoration of the Great Lakes, including meet-  
14 ing the goals and recommendations in the res-  
15 toration and protection strategy developed by  
16 the Great Lakes Regional Collaboration and  
17 this Act; and

18           (B) recommendations on future priorities  
19 and actions with respect to that restoration.

20          (d) SUBCOMMITTEES.—The members of the Execu-  
21 tive Committee may designate representatives to work as  
22 1 or more subcommittees to provide staff support and oth-  
23 erwise assist in carrying out responsibilities of the Execu-  
24 tive Committee relating to the Collaboration.

1 **SEC. 804. GREAT LAKES REGIONAL COLLABORATION.**

2 (a) IN GENERAL.—There is established the Great  
3 Lakes Regional Collaboration.

4 (b) COMPOSITION.—The Collaboration shall be com-  
5 posed of—

6 (1) the members of the Executive Committee;  
7 and

8 (2) each other individual and entity that noti-  
9 fies the Executive Committee of the desire and in-  
10 tent of the individual or entity to participate in the  
11 Collaboration.

12 (c) DUTIES.—The Collaboration shall—

13 (1) develop a restoration and protection strat-  
14 egy to provide information for use in future Great  
15 Lakes program implementation and funding deci-  
16 sions;

17 (2) serve as a forum for addressing near-term  
18 regional issues relating to ecosystem restoration and  
19 protection of the Great Lakes; and

20 (3) establish an oversight forum to coordinate  
21 and enhance implementation of Great Lakes pro-  
22 grams.

○